

# **Wellington Planning Scheme**

## **Amendment C120well**

### **Explanatory Report**

#### **Overview**

This amendment translates the adopted *Maffra Structure Plan* (Mesh, 2022) into the Wellington Planning Scheme. It provides direction for potential future residential growth areas, commercial and industrial development through updated planning policy. The amendment supports the long-term growth of Maffra and acknowledges its role as the second largest township within the Wellington Shire, by:

- Introducing policy which guides the growth of Maffra to 2042.
- Rezoning land in a new Maffra specific schedule to the General Residential Zone Schedule 2 (GRZ2).
- Updating the Development Plan Overlay Schedule 1 (DPO1).
- Correcting policy-neutral zone and overlay anomalies.
- Adding future projects to the list of further strategic work required to be undertaken.

#### **Where you may inspect this amendment**

The amendment can be inspected free of charge on the Wellington Shire Council website at [www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)

The amendment is available for public inspection, free of charge, during office hours at the following places:

- Sale Service Centre: 18 Desailly Street, Sale 3850
  - Monday to Friday 8.30am – 5.00pm,
- Yarram Service Centre: 156 Grant Street, Yarram 3971
  - Monday-Tuesday and Thursday-Friday 10.00am – 2.00pm, and
- Maffra Library: 150 Johnson Street, Maffra 3860
  - Monday to Saturday 10.00am – 6.00pm (12noon on Saturday)

The amendment can also be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

#### **Submissions**

Any person may make a submission to the planning authority about the amendment. Submissions about the amendment must be received by 20 January 2025.

A submission must be sent to:

Strategic Planning, Wellington Shire Council

**By post:** PO Box 506, SALE VIC 3850

**By email:** [strategicplanning@wellington.vic.gov.au](mailto:strategicplanning@wellington.vic.gov.au)

## Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: 14 April 2025
- Panel hearing: 12 May 2025

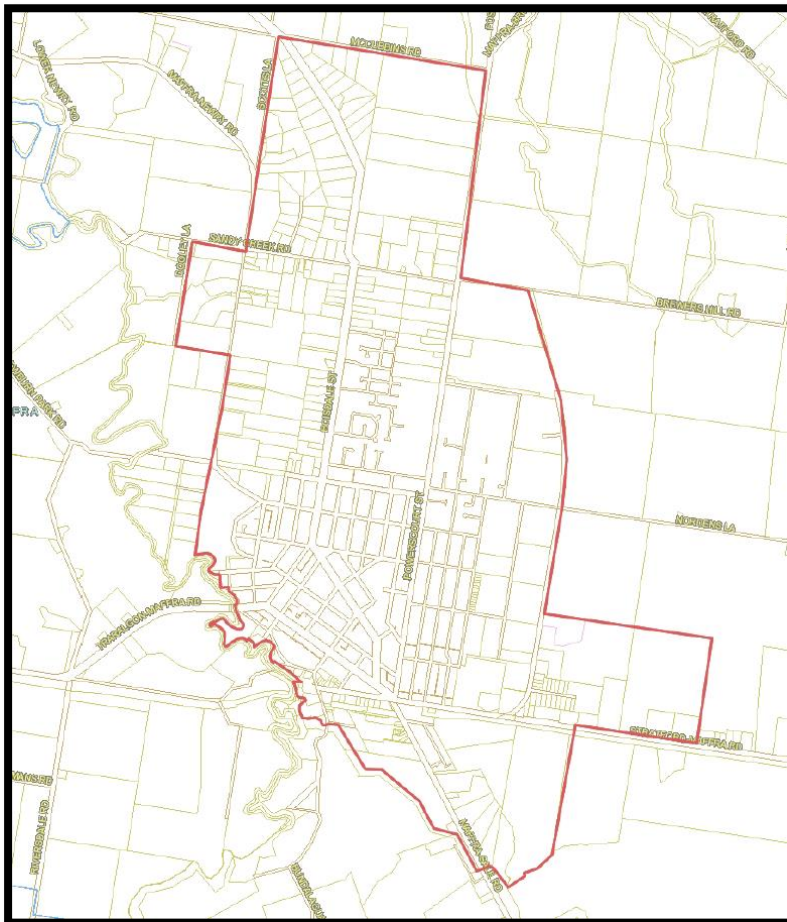
## Details of the amendment

### Who is the planning authority?

This amendment has been prepared by the Wellington Shire Council, which is the planning authority for this amendment.

### Land affected by the amendment

The amendment applies to all land within the township boundary of Maffra as shown in Figure 1. It also applies to all land covered by the Development Plan Overlay 1 (DPO1) in Wellington Shire.



*Figure 1: Maffra Township Boundary area*

A mapping reference table is attached at **Attachment 1** to this Explanatory Report.

## What the amendment does

The amendment proposes to translate the recommendations of the *Maffra Structure Plan* (Mesh, 2022) into the Wellington Planning Scheme by introducing new planning policy, rezoning land to a new Maffra specific Schedule to the General Residential Zone Schedule 2 (GRZ2), updating the Development Plan Overlay Schedule 1 (DPO1) which applies to land across Wellington Shire, correcting policy neutral zone and overlay anomalies, and adding future projects to the list of further strategic work to be undertaken.

Specifically, the amendment makes the following changes:

### **Planning Scheme ordinance**

- Amends Clause 11.01-1L (Maffra) to update the strategic directions for Maffra.
- Inserts a new Schedule 2 to Clause 32.08 (General Residential Zone) to include neighbourhood character objectives and decision guidelines specific to Maffra Residential Area (General Residential Zone area).
- Amends the Schedule 1 to Clause 43.04 (Development Plan Overlay) to update Sections 1-4 and remove Section 5 (to be consistent with Ministerial Direction *The Form and Content of Planning Schemes*).
- Amends the Schedule to Clause 72.08 (Background Documents) to insert the following background documents:
  - *Maffra Structure Plan* (Mesh, 2022)
- Amends the Schedule to Clause 74.02 (Further Strategic Work) to include recommendations for future work outlined in the *Maffra Structure Plan* (Mesh, 2022).

### **Zoning maps**

- Amends Planning Scheme Map Nos 51, 53, 54, 55 and 56 to rezone all land in the Maffra township boundary currently in the General Residential Zone 1 (GRZ1) to the new General Residential Zone 2 (GRZ2) 'Maffra Residential Area'.
- Amends Planning Scheme Map Nos 54, 55 and 56 to selected properties to correct mapping anomalies.

### **Overlay maps**

- Amends Planning Scheme Map Nos 50DPO, 51DPO, 52DPO, 53DPO and 54DPO to remove the Development Plan Overlay Schedule 1 (DPO1) from certain parcels of land within the Maffra township boundary, specifically:
  - From the majority of land to the north of Sandy Creek Road which is within the Rural Living Zone Schedule 2 (RLZ2) and covered by the Development Plan Overlay 1 (DPO1). The land is below the minimum lot size for development, and accordingly it is appropriate to remove the DPO1 from these sites.
  - Scattered properties within Maffra which have been developed as per the endorsed Development Plan for that area.

## Strategic assessment of the amendment

### Why is the amendment required?

The *Maffra Structure Plan* (Mesh, 2022) is the first major strategic land use policy direction for Maffra since the adoption of the *Wellington Residential & Rural Residential Strategy – Maffra & Environs* in July 2003. This updated guidance responds to the changes that Maffra has experienced during this time and provides several key policies and recommendations to guide the growth of the town to 2042.

Specifically, the *Maffra Structure Plan* (Mesh, 2022) shapes the vision for the town by undertaking the following:

- Influencing, managing and facilitating change to land uses, the built form and public spaces in accordance with relevant state, regional and local planning policy.
- Assessing the suitability and proposed locations of future residential growth.
- Identifying land for future commercial, industrial and community services and facilities to support growth.
- Guiding the future land use and development in an integrated and coordinated manner.

The *Maffra Structure Plan* (Mesh, 2022) was adopted by Council on 17 May 2022, reaffirming the commitment of Council to deliver this important strategic document. Accordingly, this amendment is required to translate the *Maffra Structure Plan* (Mesh, 2022), alongside a suite of recommended changes to the Wellington Planning Scheme.

The *Maffra Structure Plan* (Mesh, 2022) underwent further refinements during preparation of Planning Scheme Amendment C120well, and subsequently was re-adopted on 16 July 2024. Changes to the *Maffra Structure Plan* (Mesh, 2022) included minor updates to *Figure 28: Proposed Overlay Plan* (page 73) and the wording of Action A8 on pages 34 and 68.

On 6 August 2024 Council adopted the *Wellington Shire Growth Management Strategy* (SGS, 2024) which identified land for 'potential drainage/residential use' within the Maffra Township Boundary.

The subject land was previously identified as 'public use and utilities' given the need for the land to be utilised for future drainage purposes to support urban growth.

Since the *Maffra Structure Plan* (Mesh, 2022) was re-adopted by Council in July 2024, the ability to co-locate drainage and future residential development on the land has been further considered. Accordingly, the Maffra Strategy Map at *Clause 11.01-1L Maffra* has been updated to identify the strategic intent for the subject land.

### How does the amendment implement the objectives of planning in Victoria?

The changes sought as part of this amendment will enable the development of the township in accordance with Section 4(1) of the Act. Specifically, the amendment gives effect to the following objectives:

- a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*

- b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- e) *To facilitate development in accordance with the objectives;*
- f) *To balance the present and future interests of all Victorians.*

## **How does the amendment address any environmental, social and economic effects?**

### Environmental effects

The amendment has a positive environmental impact on the township of Maffra by directing new development within proximity to the central business district. It encourages infill development, thereby supporting walkability, in a township with limited public transport.

The *Maffra Structure Plan* (Mesh, 2022) defines a township boundary to avoid inappropriate urban sprawl and in doing so serves to contain and direct new development to areas identified for development within the town.

This in turn protects the surrounding land beyond the township boundary, where the natural environment is characterised by high quality and irrigated agricultural land.

New residential subdivisions and development will be required to provide space for canopy tree planting, while the existing significant canopy trees within the Boisdale 'Green Spine' will be protected. The existing Boisdale Street 'Green Spine' is recommended to be extended northwards to Sandy Creek Road, integrating high quality green spaces that encourage walking and cycling.

### Social effects

During the preparation of the *Maffra Structure Plan* (Mesh, 2022) and *Maffra Discussion Paper & Emerging Directions* (Mesh, 2021) consultation was undertaken to understand the views of the community. This feedback was considered when finalising the *Maffra Structure Plan* (Mesh, 2022) and Directions Report, and subsequently in the preparation of the amendment.

The amendment will have positive social effects as it will provide strategic direction for the future development of Maffra, resulting in the provision of areas for new housing, green connections, and improving the public interface.

The amendment supports the provision of new infrastructure including footpaths and cycling routes, and upgrades to roads and intersections to enable people to safely connect to open spaces, facilities and key destinations.

The amendment will generate positive social benefits by providing for a range of housing choices through the identification of future general residential, low density and rural living areas. It will help support and maintain the community within Maffra, in turn supporting resilience in the local economy.

In addition, future development (subdivision) within proposed 'Residential Growth Areas' will require new open spaces and parks that focus on providing high quality, connected green spaces within a walkable catchment to new residential estates.

### Economic effects

The translation of the *Maffra Structure Plan* (Mesh, 2022) will reinforce and strengthen Maffra's role as an agricultural hub and food precinct by providing more opportunities for big businesses to locate within Maffra's industrial precincts.

Maffra will be a self-sustaining town as a key leader in agribusiness and food production, providing the community with more places to work and meeting its day-to-day needs.

The town centre will continue its role as the primary meeting place and destination for a mixture of businesses, retail, community and food offerings.

A vibrant mix of activity will be encouraged along Johnson Street and surrounding streets and in doing so, will provide greater activation to Macalister Park and The Island Reserve.

### **Does the amendment address relevant bushfire risk?**

The amendment has considered bushfire policy in Clause 13.02-1S of the Wellington Planning Scheme.

Much of the study area is not included within a 'Bushfire Prone Area' (BPA) as declared by the Minister for Planning under the Building Regulations 2018. The study area includes some small areas which are subject to the Bushfire Management Overlay (BMO). The extents of both the BPA and BMO have been considered in the preparation of the *Maffra Structure Plan* (Mesh, 2022) and are located in the following areas:

- A section of land to the west of Maffra-Briagolong Road, and the south of McCubbins Road, Maffra is within the BMO.
- The majority of land outside of the established (General Residential Zone) area of Maffra (mostly between Johnson Street and Merry Street) is within the BPA.

The Country Fire Authority (CFA) were consulted during the preparation of the *Maffra Structure Plan* (Mesh, 2022) and will be formally notified as part of the exhibition of Amendment C120well.

### **Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?**

#### Ministerial Direction – The Form and Content of Planning Schemes

All schedules and consequential changes to local planning provisions in the amendment have been prepared in accordance with applicable style guides, formatting and layout as specified in the *Ministerial Direction - The Form and Content of Planning Schemes* under section 7(5) of the Act.

#### Ministerial Direction No. 1 – Potentially Contaminated Land

The amendment complies with *Ministerial Direction No. 1 – Potentially Contaminated Land*. The Amendment has considered the potential for land contamination and identified that the nominated ‘future investigation areas’ in Figure 13 of the *Maffra Structure Plan* (Mesh, 2022) consider the following criteria:

- Sensitive uses to be located outside of the odour buffer of the sewerage treatment facility.
- Land at 145 Fulton Road, Maffra has been reviewed in terms of any potential contamination of the land, based on historical uses.
- Sensitive uses are located outside of any relevant industrial use buffers of the ‘industrial estate’.

Sites identified as ‘future investigation areas’ are not proposed for rezoning through this amendment. Accordingly, when these areas are considered in the future under separate proponent-led planning scheme amendments, they will need to be prepared in accordance with Ministerial Directions No 1 and No.19 and using the methodology outlined in *Planning Practice Note 30: Potentially Contaminated Land*. This will likely require the creation of a PSI or PRSA report to confirm the suitability of land to transition to a use and be rezoned.

The Environment Protection Authority (EPA) was consulted in the creation of the *Maffra Structure Plan* (Mesh, 2022) and will be engaged again during the formal exhibition of Amendment C120well.

#### Ministerial Direction No. 11: Strategic Assessment of Amendments

The amendment complies with *Ministerial Direction No. 11 - Strategic Assessment of Amendments*) under section 12 of the *Planning and Environment Act 1987*. The amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. This explanatory report provides a detailed assessment of the changes proposed and the outcomes expected.

#### Ministerial Direction No. 15: The Planning Scheme Amendment Process

The amendment complies with *Ministerial Direction 15 - the planning scheme amendment process*) under section 12 of the Act.

#### Ministerial Direction 19 – Amendments that may result in impacts on the environment, amenity and human health

The amendment translates the *Maffra Structure Plan* (Mesh, 2022) into the Wellington Planning Scheme, and largely leaves areas identified as ‘future investigation areas’ to be rezoned through proponent led planning scheme amendments.

Applying the EAO is a consideration identified in the *Maffra Structure Plan* (Mesh, 2022) on areas suspected to be subject to contamination, including 87 Powerscourt Street, Maffra. Beyond this site, by introducing the initial strategic justification for ‘future investigation areas’, through Amendment C120well, this allows the properties to continue to be used in their current capacity and is consistent with *Planning Practice Note 30 – Potentially contaminated land (PPN30)* in deferring the requirements to undertake site-specific environmental assessments to future

developers as part of future planning scheme amendments.

## **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment supports and implements numerous policies within the Planning Policy Framework and State Policy. The most relevant policies are listed below:

*Clause 11.01-1S – Settlement-* requires planning to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. This Clause requires planning authorities to facilitate the order development of settlement areas through the preparation of strategic plans. The amendment focuses on growth in Maffra and guiding the development of Maffra through translation of the *Maffra Structure Plan* (Mesh, 2022), including reinforcing a Maffra township boundary. It implements local policies that consider Maffra's distinctive characteristics and respond to the needs of the community through the provision of housing, recreation, open spaces, commercial land and community infrastructure.

*Clause 11.01-1R Settlement – Gippsland* requires planning to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns'.

*Clause 11.02-1S – Supply of urban land* requires planning to be consistent with the objective of ensuring a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses, and implements several strategies by identifying a future growth area for rezoning to residential when supply is required.

*Clause 11.02-2S – Structure planning* requires planning to support the objective of this clause to facilitate the orderly development of urban areas by implementing a structure plan which will guide the orderly growth and development of Maffra.

*Clause 11.03-2S - Growth Areas and 11.03-6S Regional and local places* identifies that Maffra is well located as a growth area and meets several of the strategies of these clauses including improving the diversity of housing type for the municipality and providing guidance for development in a sequence.

*Clause 13.02-1S Bushfire Planning and Clause 13.02-1L Bushfire Prone Areas* - The *Maffra Structure Plan* (Mesh, 2022) includes objectives and strategies to manage bushfire risk and ensures that further work, including future rezonings, adequately addresses bushfire risk.

*Clause 15.01-1S Urban Design* seeks to create urban environments that are safe, healthy, functional and enjoyable and that constitute to a sense of place and cultural identity.

*Clause 15.01-5S Neighbourhood character* requires that planning recognise, support and protect neighbourhood character, cultural identity, and sense of place.



*Clause 16.01-1S Housing supply* ensures an appropriate quantity, quality and type of housing is provided, including social housing.

*Clause 16.01-3S Rural residential development* requires that planning identify land that is suitable for rural residential development.

*Clause 17 Economic Development* seeks that planning contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

*Clause 18 Transport* requires that planning should ensure a safe, integrated and sustainable transport system.

*Clause 19 Infrastructure* requires that planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

## **How does the amendment support or implement the Municipal Planning Strategy?**

The Wellington Planning Scheme includes a Municipal Planning Strategy (MPS) at Clause 02.

The amendment supports and implements numerous policies within the Municipal Planning Strategy. The most relevant are listed below:

*Clause 02.02 – Vision* highlights key land use and development aspirations for the Wellington Shire including increasing our population growth and securing greater housing choice, which has positive ripple effects right across our economy and community. Increased population improves the prosperity of our businesses and greater housing choice is important for our ageing and vulnerable people. The *Maffra Structure Plan* (Mesh, 2022) has been developed to manage growth, facilitate change and guide infrastructure provision in the township.

The Wellington Community Vision for 2031 is *Happy people, healthy environment and thriving community*. This amendment will assist with achieving this vision by providing a framework for future land use and development within the Maffra Township Boundary.

*Clause 02.03 – Strategic Directions* includes key strategy with respect to settlement that outlines the predicted the role of Maffra as a large settlement with a population of 4300, with a productive rural hinterland and rural industry in the town.

*Clause 02.03-1 Settlements – Large Settlements* identifies Maffra as a large settlement which provides an ‘...*administrative, commercial and social centre for surrounding farms and communities.*’

*Clause 02.03-4 Natural resource management* outlines directions to protect the Macalister Irrigation District (MID) including to ‘*maintain settlement growth*

*boundaries to protect...the Macalister Irrigation District and high-quality agricultural land.'*

*Clause 02.03-5 – Built environment and heritage* outlines directions that seek to ensure that development enhances the individual character of each township and promotes the cultural value of each township.

*Clause 02.03-6 – Economic development* identifies that Wellington's economy is linked to the natural resource base and productive agricultural land and it is important to ensure natural assets are protected and used sustainably.

*Clause 02.03-7 Infrastructure* supports the need for an integrated approach to the provision of infrastructure by encouraging '*...a consistent approach to the design and construction of infrastructure*'.

## **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by updating and amending the Planning Policy Framework to implement objectives and strategies to achieve the strategic directions set by the *Maffra Structure Plan* (Mesh, 2022).

Further, the amendment proposes to rezone land from the GRZ1 to GRZ2 which is consistent with *Planning Practice Note. 91: Using the residential zones* as the type of residential development sought in this location of Maffra aims to maintain Maffra's identity as a vibrant and growing township with a 'small country town feel'.

## **How does the amendment address the views of any relevant agency?**

Views of relevant agencies will be sought during the exhibition process.

Prior to preparation of Amendment C120well, the views of relevant agencies were sought in the development of the *Maffra Structure Plan* (Mesh, 2022). The *Maffra Structure Plan* (Mesh, 2022) was prepared in consultation with the following key agencies:

- Country Fire Authority (CFA),
- West Gippsland Catchment Management Authority (WGCMA),
- Gippsland Water,
- Department of Transport (DoT) and
- Department of Environment, Land, Water and Planning (DELWP) (now Department of Transport and Planning (DTP)),
- Environment Protection Authority (EPA),
- Ausnet Services,
- APA Group,
- Southern Rural Water (SRW),
- First Nations – State Relations, Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC), and
- Agriculture Victoria.

## **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

This amendment is unlikely to have a significant impact on the transport system as it is not significantly increasing the capacity for development.

## **Resource and administrative costs**

### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment is not expected to have a significant impact on the future resources of Council. The proposed Amendment is not expected to result in a large increase in the need for planning permits.

The proposed rezoning of land from GRZ1 to GRZ2 and other local policy changes are expected to have a negligible impact on the planning permit requirements of the Wellington Planning Scheme.

The removal of the DPO1 from certain parcels where it is considered redundant and where the land has been developed in accordance with the requirements of the DPO1 will have a positive impact on planning resources. Further to this, updates to the wording of the DPO1 will facilitate and enable successful Development Plan outcomes.

The amendment will provide a clear planning framework that will provide greater certainty and clarity to the community and other stakeholders regarding land use and development within the Maffra Township Boundary.

## Attachment 1 – Mapping reference table

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
Maffra	Section of road on Thomson Street, Maffra (between Johnson and Queen Street) affected by split zoning	Wellington C120well 001znMap55 Exhibition	Maffra	Rezone from C1Z to GRZ2	n/a	n/a
Maffra	Retired public laneway contained on residential land.	Wellington C120well 002znMap55 Exhibition	49 Queen Street, Maffra	Rezone from PUZ6 to C1Z	n/a	n/a
Maffra	Ritchies IGA Supermarket affected by split zoning.	Wellington C120well 002znMap55 Exhibition	102-106 Johnson Street, Maffra	Rezone from PUZ6 to C1Z	n/a	n/a
Maffra	Public car park affected by split zoning.	Wellington C120well 002znMap55 Exhibition	Pearson Street, Maffra	Rezone from C1Z to PUZ6	n/a	n/a
Maffra	Maffra Hospital and Nursing Home affected by split zoning.	Wellington C120well 004znMaps54_56	42-48 Kent Street, Maffra	Rezone from GRZ1 to PUZ3	n/a	n/a
Maffra	Residential land affected by split zoning, contained on Lot 2 LP 52337	Wellington C120well 001znMap55 Exhibition	5 Duke Street, Maffra	Rezone from C1Z to GRZ2	n/a	n/a
Maffra	Residential land affected by split zoning, contained on PPC 102102	Wellington C120well 001znMap55 Exhibition	2/3 Duke Street, Maffra	Rezone from C1Z to GRZ2	n/a	n/a
Maffra	Residential land affected by split zoning, contained on Lot 3 PS 531627R	Wellington C120well 001znMap55 Exhibition	2/1D Duke Street, Maffra	Rezone from C1Z to GRZ2	n/a	n/a
Maffra	Tractor Dealership and mechanic affected by split zoning.	Wellington C120well 001znMap55 Exhibition	11 Duke Street, Maffra (also known as	Rezone from GRZ1 to C2Z	n/a	n/a

Location	Land /Area Affected	Mapping Reference	Address	Proposed Zone changes	Proposed Overlay changes	Proposed deletion changes
			16-20 Johnson Street, Maffra)			
Maffra	Tractor Dealership and mechanic affected by split zoning.	Wellington C120well 001znMap55 Exhibition	13 Duke Street, Maffra (also known as 16-20 Johnson Street, Maffra)	Rezone from GRZ1 to C2Z	n/a	n/a
Maffra	All land within the Maffra Township Boundary (see Figure 1) currently in the GRZ1.	Wellington C120well 001znMap51 Exhibition Wellington C120well 001znMap53 Exhibition Wellington C120well 001znMap54 Exhibition Wellington C120well 001znMap55 Exhibition Wellington C120well 001znMap56 Exhibition	n/a	Rezone from GRZ1 to GRZ2	n/a	n/a
Maffra	Relevant areas within Maffra Township Boundary (130+ properties)	Wellington C120well 002d-dpoMaps50_51_52 Exhibition Wellington C120well 003d-dpoMaps53_54 Exhibition	n/a	n/a	n/a	D-DPO1