

Wellington Planning Scheme Amendment C120well  
Maffra Structure Plan

**Panel Report**

*Planning and Environment Act 1987*

**24 April 2026**

### **How will this report be used?**

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the Planning Scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Wellington Planning Scheme Amendment C120well

Maffra Structure Plan

**24 April 2026**

A handwritten signature in black ink, appearing to be 'G. McMillan', written in a cursive style.

Gabby McMillan, Chair

## Contents

	<b>Page</b>
<b>1 Introduction .....</b>	<b>8</b>
1.1 The Amendment.....	8
1.2 Background .....	9
1.3 Procedural issue.....	10
1.4 The Panel’s approach .....	10
1.5 Versions of the Amendment .....	11
<b>2 Strategic issues.....</b>	<b>12</b>
2.1 Planning context.....	12
2.2 Strategic justification .....	13
<b>3 Rezoning of land in the Structure Plan area.....</b>	<b>15</b>
3.1 Responsibility for future rezoning requests in the Structure Plan area.....	15
3.2 292 and 296 Boisdale Street, Maffra .....	17
3.3 145 Fulton Road, Maffra .....	21
<b>4 Other issues.....</b>	<b>24</b>
4.1 Contaminated land .....	24
4.2 Bushfire risk .....	25
<b>Appendix A Day 1 version of Development Plan Overlay Schedule 1.....</b>	<b>28</b>
<b>Appendix B Document list.....</b>	<b>31</b>

## List of Tables

	<b>Page</b>
Table 1 Planning context.....	12

## List of Figures

	<b>Page</b>
Figure 1 - Maffra township boundary (Amendment Land).....	9
Figure 2 - Zoning map of 296 Boisdale Street.....	17
Figure 3 - Development Plan Overlay at 296 Boisdale Street .....	18
Figure 4 - Approved Outline Development Plan .....	18
Figure 5 - Zoning map of 145 Fulton Road.....	21
Figure 6 - Development Plan Overlay at 145 Fulton Road .....	22

## Glossary and abbreviations

BPA	Bushfire Prone Area
CFA	Country Fire Authority
Council	Wellington Shire Council
DDO	Design and Development Overlay
DPO	Development Plan Overlay
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority
GRZ	General Residential Zone
INZ	Industrial 1 Zone
ODP	Outline Development Plan
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Wellington Planning Scheme
Practitioner's Guide	<i>Practitioner's Guide to Victorian Planning Schemes Version 7, June 2024</i>
PRSA	Preliminary Risk Screen Assessment
RLZ	Rural Living Zone
Shire	Wellington Shire Council
Structure Plan	<i>Maffra Structure Plan (Mesh, 2022)</i>
Structure Plan area	Land to which the Structure Plan applies (as shown in Figure 1)

## Overview

### Amendment summary

The Amendment	Wellington Planning Scheme Amendment C120well
Common name	Maffra Structure Plan
Brief description	Translate the <i>Maffra Structure Plan</i> (Mesh, 2022) into the Wellington Planning Scheme and make associated changes
Subject land	Maffra
Planning Authority	Wellington Shire Council
Authorisation	8 October 2024, with conditions
Exhibition	12 December 2024 – 24 January 2025
Submissions	Number of Submissions: 10 Opposed: 3 (includes one submission that Council officers believe has been resolved, but the submitter has not withdrawn the submission)

### Panel process

The Panel	Gabby McMillan
Directions Hearing	By video, 18 February 2026
Panel Hearing	Sale, 25 March 2026
Site inspections	Unaccompanied, 26 March 2026
Parties to the Hearing	Wellington Shire Council represented by Caragh Button and Nicole Reynolds Matthew Wynne Sharyn and Paul O'Reilly
Citation	Wellington PSA C120well [2026] PPV
Date of this report	24 April 2026

## Executive summary

Wellington Planning Scheme Amendment C120well (the Amendment) seeks to translate the *Maffra Structure Plan* (Mesh, 2022) (Structure Plan) into the Wellington Planning Scheme (Planning Scheme). The Amendment:

- introduces new local policy to guide the growth in Maffra to 2042
- changes the schedule applying to residential land in Maffra, revising land currently in the General Residential Zone Schedule 1 (GRZ1) to General Residential Zone Schedule 2 (GRZ2)
- revises Development Plan Overlay Schedule 1 (DPO1)
- lists the Structure Plan as a background document in the Schedule to Clause 72.08 (Background documents)
- lists further strategic work in the Schedule to Clause 74.02 (Further strategic work).

Key issues raised in submissions included:

- Coordination and responsibility for future rezoning proposals within the Structure Plan area
- Site specific rezoning requests
- Bushfire risk
- Contaminated land.

The Panel is satisfied that the Amendment is strategically justified and consistent with settlement policy at Clause 11.01-1S and Clause 11.01-1R (Settlement), Clause 11.02-1S (Supply of urban land) and Clause 11.03-2S (Growth Areas) of the Planning Scheme.

The translation of the Structure Plan into the Planning Scheme represents the first step in the strategic planning process. However, a structure plan with no substantive change to the underlying statutory provisions is not considered to be 'supply of land'. It is inevitable that further work (and rezoning of land) will be required in the future; this future work is reflected in the updated schedule to Clause 74.02 (Further strategic work).

### **Coordination and responsibility of future rezoning proposals**

Council's approach to rely solely on proponent led amendments and for future rezoning proposals within the Structure Plan area is not appropriate and may result in inconsistent planning. In the future, there are likely to be circumstances where Council, as the Planning Authority will need to lead and coordinate rezonings within the Structure Plan area to meet the policy objectives at Clause 11.02-1S and Clause 11.02-2S (relating to land supply and the appropriate sequencing of development and supporting infrastructure).

### **Site specific rezoning requests**

It is not appropriate to rezone the land at 292 and 296 Boisdale Street from Rural Living Zone Schedule 4 (RLZ4) to General Residential Zone Schedule 2 (GRZ2) through the Amendment. However, there is a significant amount of strategic work that suggests this land is appropriate for residential land use. Some further work is required to ensure the land can be appropriately serviced before it is rezoned (and Council is already working in

a servicing strategy and development contribution mechanism). After completing the current servicing strategy, Council should prioritise (and lead) an amendment to rezone this land and the surrounding precinct in the short term.

It is not appropriate to rezone 145 Fulton Street from Industrial 1 Zone to GRZ2 as part of this process. Further work is required before the future use of the site can be confirmed, most critically a Preliminary Risk Screen Assessment needs to be completed to assess potentially contaminated land. The Environmental Audit Overlay is not sufficient in the current circumstances.

### **Contaminated land and buffers**

The Day 1 version of the Amendment appropriately addresses the risk of contamination and interfaces with sensitive uses.

### **Bushfire risk**

The bushfire risk is relatively low in Maffra and a proportionate response to this risk should be adopted in the controls.

The additional bushfire requirements at section 4.0 of Development Plan Overlay Schedule 1 are not appropriate. The level of detail is disproportionately prescriptive to the bushfire risk for the Structure Plan area and duplicates other policy and provisions.

### **Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Council:

- 1. Adopt Wellington Planning Scheme Amendment C120well as exhibited with the changes recommended in this report.**
- 2. The changes to Clause 11.01-1L and Clause 74.02 included in the Day 1 version of the Amendment (described in Chapter 1.5) should be adopted.**
- 3. The bushfire requirements proposed in section 4 of the Day 1 version of the Development Plan Overlay Schedule 1 (shown in Appendix A) are not appropriate and should not be adopted.**
- 4. If any additional bushfire requirements are included in section 4 of the Development Plan Overlay Schedule 1 these should be simplified (as compared to the Day 1 version) to ensure they are proportionate to the risk and do not duplicate other provisions (such as policy at Clause 13.02-1S).**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The purpose of the Amendment is to translate the *Maffra Structure Plan* (Mesh, 2022) (Structure Plan) into the Wellington Planning Scheme (Planning Scheme). The Amendment:

- introduces new local policy to guide the growth to Maffra to 2042
- changes the schedule applying to residential land in Maffra, revising land currently in the General Residential Zone Schedule 1 (GRZ1) to General Residential Zone Schedule 2 (GRZ2)
- revises Development Plan Overlay Schedule 1 (DPO1)
- lists the Structure Plan as a background document in the Schedule to Clause 72.08 (Background documents)
- lists further strategic work in the Schedule to Clause 74.02 (Further strategic work).

Specifically, the Amendment proposes to:

#### Ordinance

- amend Clause 11.01-1L (Maffra) to update the strategic directions for Maffra
- insert a new General Residential Zone Schedule 2 to include neighbourhood character objectives and decision guidelines specific to Maffra Residential Area (General Residential Zone area)
- amend Development Plan Overlay Schedule 1 to update Sections 1-4 and remove Section 5
- amend the Schedule to Clause 72.08 (Background Documents) to insert the Structure Plan
- amend the Schedule to Clause 74.02 (Further Strategic Work) to include recommendations for future work outlined in the Structure Plan.

#### Zoning maps

- amend Planning Scheme Map numbers 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'
- amend Planning Scheme Map numbers 54, 55 and 56 to selected properties to correct mapping anomalies.

#### Overlay maps

- amend Planning Scheme Map numbers 50DPO, 51DPO, 52DPO, 53DPO and 54DPO to remove DPO1 from following land within the Maffra township boundary (approximately 130 parcels), including:
  - the majority of land to the north of Sandy Creek Road which is within the Rural Living Zone Schedule 2 (RLZ2) which is below the minimum lot size for development and cannot be further subdivided



The Structure Plans responds to the changes that Maffra has experienced since 2003 and provides several key policies and recommendations to guide growth of the town to 2042, including:

- 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.

### 1.3 Procedural issue

Mr Wynne raised concern that affected landowners had not been directly notified of the Amendment.

In response, Council submitted:

Section 19 (1A) of the Act states the following:

*Subject to subsection (1C), the planning authority is not required to give notice of an amendment under subsection (1)(b) if it considers the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment.*

Council advises that, in accordance with Section 19 (1A) of the Act, no owners or occupiers were directly notified of Amendment C120well, as the number of owners and occupiers made it impractical to notify them all individually about the Amendment.

It is proposed to rezone in excess of 2300 parcels of land in the Maffra Township Boundary from the GRZ1 to the GRZ2. Given that the schedule change is minor with negligible impact on the development potential of sites, notifying in excess of 2300 owners and occupiers would lead to owner and occupier confusion over such minor changes and be a negative use of Council resources (both personnel and administrative costs).

The Panel is satisfied that the landowners have been given sufficient notice of the Amendment. Council gave notice of the Amendment in local newspapers, social media posts, on its website and in the Government Gazette.

### 1.4 The Panel's approach

Key issues raised in submissions were:

- Coordination and responsibility for future rezoning proposals
- Site specific rezoning requests
- Bushfire risk
- Contaminated land.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Coordination and responsibility for future rezoning proposals

- Rezoning of land in the Structure Plan area
- Other issues
  - Bushfire risk
  - Contaminated land.

## 1.5 Versions of the Amendment

The Panel directed Council to circulate a 'Day 1' version (or post-exhibition) version of the Amendment documentation before the commencement of the Hearing. Council circulated Day 1 version of the Amendment with its Part A submission which included the following changes in response to submissions:

- New 'strategies' in local policy at Clause 11.01-1L (Maffra) relating to contaminated land and bushfire risk:
  - Direct high intensity industrial uses to the Fulton Road 'Industrial' precinct to ensure industrial uses do not create adverse amenity impacts on sensitive uses such as residential areas.
  - Maintain settlement boundaries that consider local character, bushfire risk, contamination, infrastructure capacity, and the impacts on other land uses, particularly agriculture
  - Ensure new development in a bushfire prone area provides bushfire protection measures to:
    - Prevent grassfire from entering developed areas and manage exposure of new development to bushfire through perimeter roads and bushfire setbacks on permanent hazard interfaces.
    - Enable an effective movement network for before and during a bushfire emergency.
    - Manage new development on larger lots in a low hazard condition to prevent a grassfire moving through developed areas.
  - Further strategic work at Clause 74.02 (Further Strategic Work) relating to Buffer Areas Overlays (BAO)
    - Investigate the application of the Buffer Area Overlay (BAO) as a means of ensuring safe and appropriate land use and development in areas where there is potential for off-site impacts on human health or safety, or significant off-site impacts on amenity, from industry, warehouse, infrastructure or other uses.
- Additional requirements in section 4.0 of DPO1 relating to bushfire for Development Plans as shown highlighted in Appendix A.
- Structure Plan updates including:
  - revised Figure 13 (Theme 1 – Growth Precincts, Staged Drainage & Servicing Provision) to additional annotation for 'potential residential / drainage land'
  - a new Appendix 8 which outlines Environment Protection Authority (EPA) requirements in relation to potentially contaminated land.
- Updates to the Explanatory Report to address contaminated land and bushfire risk.

The Panel's recommendations are based on exhibited version of the Amendment documents and Structure Plan.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Table 1 highlights key imperatives of relevant provisions and policies.

**Table 1 Planning context**

	Relevant references
<b>Victorian planning objectives</b>	- section 4 of the PE Act
<b>Municipal Planning Strategy</b>	- Clause 2.02 (Vision), Clause 2.03 (Strategic directions), Clause 2.03-1 (Settlements – Large settlements), Clause 2.03-7 (Infrastructure)
<b>Planning Policy Framework</b>	- Clauses 11.01-1S (Development Capacity), Clause 11.01-1R (Settlement), Clause 11.02-1S (Supply of urban land), Clause 11.03-2S (Growth Areas) - Clause 13.02-1S (Bushfire Planning), Clause 13.04-1S (Contaminated and potentially contaminated land), Clause 13.07-1S (Land use compatibility) - Clause 15.01-1S (Urban Design), Clause 15.01-5S (Neighbourhood character) - Clause 16.01-1S (Housing supply) - Clause 17 (Economic development) - Clause 19 (Infrastructure)
<b>Other planning strategies and policies</b>	- Plan for Victoria
<b>Planning scheme provisions</b>	- General Residential Zone - Development Plan Overlay - Clause 72.08 - Clause 74.02 - Parking Overlay
<b>Ministerial directions</b>	- Ministerial Direction 1 (Potentially Contaminated Land) - Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 19 (Amendments that may result in impacts on the environment, amenity and human health) - Ministerial Direction 22 (Climate Change Considerations)
<b>Planning practice notes</b>	- Planning Practice Note 30: Potentially Contaminated Land (PPN30) - Planning Practice Note 46: Strategic Assessment Guidelines, September 2022

## 2.2 Strategic justification

### (i) The issue

The issue is whether the Amendment is strategically justified.

### (ii) Submissions

Council submitted that the Amendment was strategically justified. It said that the Amendment will translate the Structure Plan into the Planning Scheme, providing a framework 'to support potential future residential growth areas, commercial, and industrial development'. Council said:

The Amendment ensures that Wellington Planning Scheme is updated to support the future growth of Maffra. It provides the strategic context and justification for future planning scheme amendments to rezone land to enable development. Maffra is identified in key strategic documentation including *Clause 02 Municipal Planning Strategy* and *Clause 11 Settlement* of the Wellington Planning Scheme as an important township for residential growth. The structure plan outlines the key sequencing for the implementation and delivery of land supply for housing growth.

Amendment C120well further fulfils Council's statutory obligations as a responsible authority in the Act to facilitate the growth and development of townships such as Maffra.

Council submitted that the Day 1 version of the Amendment should be supported.

### (iii) Discussion

The Amendment represents the first step in the strategic planning process. The Structure Plan provides a framework for future development in Maffra, which has been identified as a 'large settlement' within the Shire. However, the Panel notes that there has already been previous strategic work to identify a framework for growth in Maffra. An Outline Development Plan (ODP) was approved in 2006 for much of the land within the Structure Plan area and already provides direction for future development.

A framework plan, with no substantive change to the underlying statutory provisions is not considered to be 'supply of land' (as required under Clause 11.02-1S). It is inevitable that further work (and rezoning of land) will be required in the future and this future work is reflected in the updated schedule to Clause 74.02 (Further strategic work). This Amendment alone does not meet Council's obligations as a Planning authority to supply land for development (as discussed in more detail in Chapter 3.1).

The Panel is satisfied that the Amendment is strategically justified and consistent with settlement policy at Clause 11.01-1S and Clause 11.01-1R (Settlement), Clause 11.02-1S (Supply of urban land) and Clause 11.03-2S (Growth Areas) of the Planning Scheme.

### (iv) Conclusions and recommendation

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified.

- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends Council:

- 1. Adopt Wellington Planning Scheme Amendment C120well as exhibited with the changes recommended in this report.**

## 3 Rezoning of land in the Structure Plan area

### 3.1 Responsibility for future rezoning requests in the Structure Plan area

#### (i) The issue

The issue is whether Council should defer responsibility for future rezoning proposals within the Structure Plan area to landowners.

#### (ii) Submissions

Several submitters made site-specific rezoning requests as part of this process (discussed in more detail in Chapters 3.2 and 3.3). Council responded to these requests in a broadly consistent manner; in essence saying that:

- the purpose of this Amendment was to translate the Structure Plan into the Planning Scheme (not to rezone specific sites)
- rezoning of land was outside the scope of the Amendment
- landowners are responsible to lead rezoning proposals within the Structure Plan area
- further work was required, including the preparation of servicing plans and development contributions mechanisms before land could be rezoned (and Council was already doing this work).

Council submitted that future rezoning proposals would need to be led and coordinated by private proponents. It said that:

The approval of Amendment C120well will provide the strategic justification and basis for **landowners and developers to undertake future Proponent-led Planning Scheme Amendments to rezone land to facilitate and deliver residential development.**

...

Land within the Maffra Township Boundary that is not currently in the General Residential Zone 1 (GRZ1), such as land currently in the Low Density Residential Zone (LDRZ), Rural Living Zone (RLZ) or Industrial 1 Zone (IN1Z), will not be rezoned as part of C120well. This is because there are a series of additional requisite steps required to support any rezoning proposal, including preparation of a servicing strategy and developer contributions mechanism, preparation of a series of technical reports to address relevant Ministerial Directions and preparation of planning scheme amendment documentation.

**(Emphasis added)**

Council supported a precinct-wide approach to rezoning and noted:

A precinct-wide approach assists with the coordination of residential growth, reducing the overall financial burden and resourcing, and assists with streamlining processes for community consultation. A precinct-wide approach is particularly important to coordinate servicing and infrastructure provision, and to address issues relating to funding apportionment and equalisation.

Council is current undertaking the structure plan actions associated with the preparation of a servicing strategy and a development contributions (funding) mechanism. This work is progressing in the current and next financial year. As part of Precinct 4 and the designated 'Residential Growth' Precinct, the servicing strategy and development contributions

mechanism will be applicable to 292 Boisdale Street, Maffra and 296 Boisdale Street, Maffra.

Landowners submitted:

- it was the role of Council to initiate rezoning proposals
- it was impractical for landowners to coordinate an Amendment to rezone land at a precinct scale
- rezoning of land for residential purposes can only be achieved under the stewardship of the Council due to the complexity of multiple land ownership across the proposed areas
- it was unlikely any future rezoning could be achieved solely by a landowner or an applicant-led entity as they do not have the expertise and/or resources to achieve this.

### **(iii) Discussion**

The Panel is sympathetic to the resource demands on Council, however it is inappropriate to solely rely on proponents to prepare rezoning proposals. It is Council's responsibility, as a Planning Authority to coordinate strategic planning and make land available to meet the needs of future communities.

Clause 11.02-1S (Development capacity) of the Planning Scheme includes the following strategies:

Ensure that sufficient land is available to meet forecast demand and the needs of current and future Victorians for commercial, retail, recreational, institutional and other community needs.

Ensure that at least a 15 year supply of land and development capacity is available to meet housing targets.

Plan to accommodate housing targets and provide clear direction on the locations where growth should occur and ensure sufficient realisable capacity in planning schemes.

There are likely to be circumstances where Council will need to lead a rezoning process, particularly where there are multiple landowners in a precinct and infrastructure requirements that need to be coordinated.

Council has shown initiative in commencing work on the servicing strategy and contribution mechanism, however there has been a long history of planning in Maffra (and an approved ODP) which has created expectations that ultimately the land would be rezoned for residential purposes.

For Council to meet its responsibilities as a Planning Authority to supply land in a coordinated manner, it may need to initiate rezoning proposals in the future. If resourcing is an issue, the State government has programs to assist Councils resourcing this type of work, such as the Regional Planning Hub.

### **(iv) Conclusion**

The Panel concludes:

- It is not appropriate for Council, as the Planning Authority to completely rely on landowners to lead amendments for future rezoning proposals within the Structure Plan area.

- In the future, there are likely to be circumstances where Council will need to coordinate rezonings across different properties to meet the policy objectives at Clause 11.02-1S and Clause 11.02-2S (relating to land supply and the appropriate sequencing of development and supporting infrastructure).

## 3.2 292 and 296 Boisdale Street, Maffra

### (i) The issue

The issue is whether 292 and 296 Boisdale Street (Boisdale land) should be rezoned from Rural Living Zone Schedule 4 (RLZ4) to General Residential Zone Schedule 2 (GRZ2).

### (ii) Background

The Boisdale land is made up of two parcels. The land is currently zoned RLZ4 and affected by Development Plan Overlay Schedule 1 (DPO1) as shown in Figure 2 and Figure 3. The land has a combined area of approximately 4.15 hectares. The site at 292 Boisdale Street was sold before the Hearing, however the owners of the balance of the land at 296 Boisdale Street made submissions at the Hearing.

**Figure 2 Zoning map of 296 Boisdale Street**



Source: Council's Part B submission, page 11

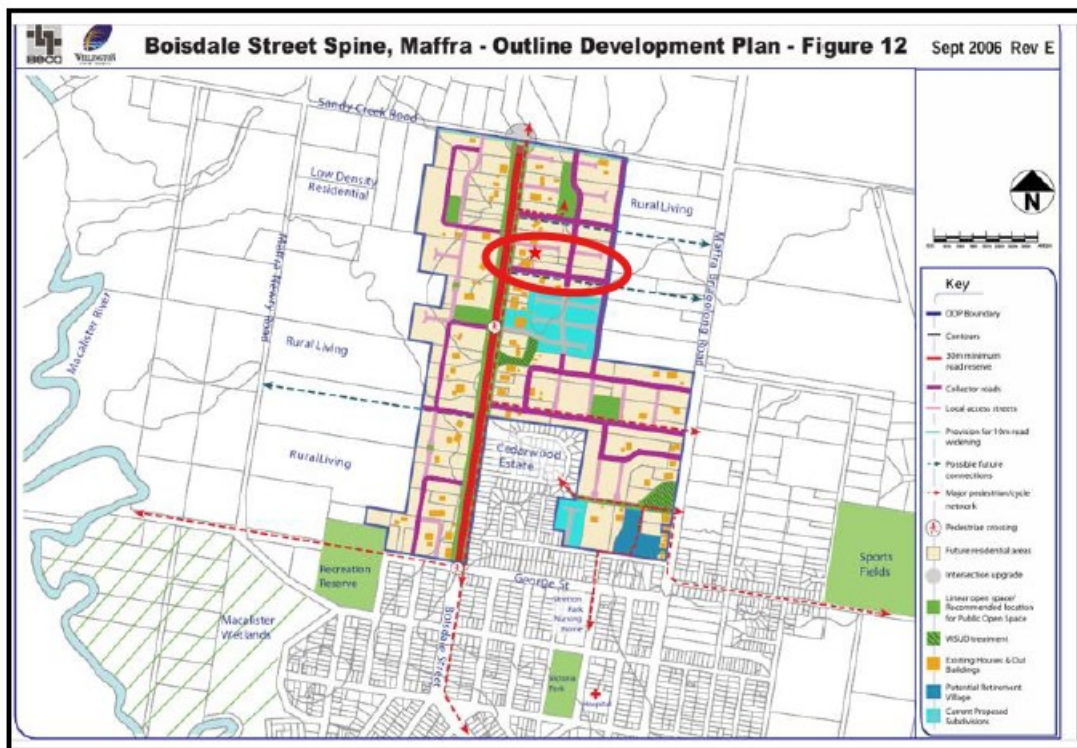
**Figure 3 Development Plan Overlay at 296 Boisdale Street**



Source: Council's Part B submission, page 12

An Outline Development Plan (ODP) has been prepared and approved for the precinct in 2006 and identifies the land for future residential growth and shown at Figure 4 (with the Boisdale land shown in red circle).

**Figure 4 Approved Outline Development Plan**



Source: Council's Part B submission, page 12

### (iii) Submissions

Mr and Mrs O'Reilly<sup>1</sup> submitted:

- the rezoning of the land was strategically justified and appropriate given its proximity immediately to the north of existing residential development
- there is no undeveloped residential broad hectare land stock in Maffra and this will likely have a negative impact on future growth of Maffra and the implementation of any State government housing target set for the Shire
- the Structure Plan will not facilitate rezoning of the Structure Plan area for residential growth, instead it just includes open-ended statements on intent and pre-conditions
- there is no reason why this land cannot be rezoned as part of the Amendment
- there was sufficient previous work to justify the change, there are no environmental constraints, and the rezoning would address the housing shortage.

Mr and Mrs Reilly explained the long history of previous strategic work identifying the Boisdale land as suitable for rezoning, referring to the following work:

- Amendment C20 which proposed to rezone land along Boisdale Street from RLZ4 to RLZ2 in 2004. They highlighted the Panel's recommendation<sup>2</sup> in Amendment C20 that:

The proposal to rezone land immediately south of the intersection of Sandy Creek Road east and west of Boisdale Street from Rural Living 2 Zone to Rural Living 4 Zone (included as part of Area 2 of the Amendment) be abandoned. This land should be rezoned to Residential 1 Zone if justified by further strategic work undertaken in developing a strategic vision for Maffra.

- The 2006 ODP which provides a framework for development to the north of the existing township. They noted that paragraph 4.1 of the ODP states:

Land within the study area that is zoned RLZ4 has been earmarked in the Maffra Strategy Plan to be rezoned to R1Z in the future. This will allow the land to be used for all residential purposes.

The aim of this ODP is to identify key infrastructure issues for the future so that should land within the ODP currently zoned RLZ4 be rezoned to R1Z, the road layout and infrastructure is in place to provide good urban outcomes.

- The *Residential Land Supply & Demand Assessment Maffra* prepared by Spatial Economics in 2020. They noted that the assessment concluded that total stock of zoned broad hectare residential land was insufficient to meet both short-term and long-term requirements (below the 15 year land supply benchmark). They noted that Spatial Economics recommended that land be rezoned in the short-term to maintain both a competitive land supply market; and meet underlying dwelling requirements.

Council acknowledged that the Structure Plan identified the Boisdale land (and surrounding area) as being suitable for 'standard residential' development and that the land will be affected by DPO1. Council noted that future work in terms of infrastructure and a funding mechanism needs to be settled.

---

<sup>1</sup> Original submission prepared on their behalf by Development Solutions Victoria

Council submitted:

- the rezoning of the Boisdale land could not be considered as part of the Amendment as the rezoning was not exhibited, referring to the Moyne Planning Scheme Amendment C69moyn panel report (December 2022) in support of its position which said:
  - While the land subject to those submissions is included in the Structure Plan, none of those matters were exhibited as part of the Amendment.
  - ...
  - The Panel has broad scope to consider a range of matters through the Amendment process, but where land was not exhibited and not included in that part of the Amendment that dealt with rezoning proposals, it is difficult to consider such requests. Had the land been included, Council and other parties would have had the opportunity address relevant issues. While some of these requests may have planning merit, they need to go through another Council process to be properly considered. The Panel cannot recommend land be rezoned as the result of a single landholder request when it was not exhibited as such.
- the rezoning would require re-exhibition of the Amendment. The changes would be transformative and significantly alter the original intent of the Amendment, which is to provide a framework to support future residential growth areas, commercial and industrial development through updated planning policy.
- it was premature to rezone two properties as part of the Amendment, saying that any rezoning would need to be proponent led.

#### **(iv) Discussion**

There is significant strategic work that suggests the Boisdale land is a suitable for residential purposes, particularly the approved ODP. This work has created legitimate expectations for the landowners that rezoning could occur in the short to medium term.

In principle, the Boisdale land is a suitable candidate for rezoning in the short term - particularly given the current lack of land supply. However, the Panel agrees with Council that the rezoning cannot occur as part of the Amendment. Further work is required to ensure the land can be suitably serviced when it is rezoned and ultimately developed. This work is already underway and once that is completed, a rezoning proposal should be prioritised by Council. As discussed in Chapter 3.1, Council is best placed, as the Planning Authority, to lead precinct based rezoning requests for the Boisdale land.

#### **(v) Conclusions**

The Panel concludes:

- 292 and 296 Boisdale Street should not be rezoned from Rural Living Zone Schedule 4 (RLZ4) to General Residential Zone Schedule 2 (GRZ2) and part of this process.
- There is a significant amount of strategic work that already suggests this land is appropriate for a residential land use.
- Further work is required to ensure the land can be appropriately serviced before it is rezoned.

### 3.3 145 Fulton Road, Maffra

#### (i) The issues

The issues are whether:

- 145 Fulton Road, Maffra (Fulton site) should be rezoned from Industrial Zone 1 (INZ1) to GRZ2
- the Environmental Audit Overlay (EAO) should be applied to the same site.

#### (ii) Background

The land at 145 Fulton Road is currently zoned INZ1 and is affected by the Design and Development Overlay Schedule 1as shown in Figure 5 and Figure 6. The site has an area of 7.66 hectares.

**Figure 5 - Zoning map of 145 Fulton Road**



Source: Council's Part B submission, page 15

**Figure 6 - Development Plan Overlay at 145 Fulton Road**

Source: Council's Part B submission, page 15

### (iii) Evidence and submissions

Mr Wynne submitted that the land is suitable for residential development of up to 100 dwellings and should be rezoned to GRZ2 with the EAO as part of the Amendment. He submitted:

- the land is close to existing housing and recreational facilities and key urban infrastructure
- there is no need to retain the land in an industrial zone
- the land is within a single ownership who is willing to develop the site and contribute to housing supply
- technical work had been completed to demonstrate that there were no significant constraints, such as drainage
- applying the EAO at the time would ensure that the land is appropriately remediated
- the strategic direction for the site is confusing, the Explanatory Report for the Amendment identifies the land for potential residential and drainage purposes
- the site has been flagged for further investigation since 2013 and by not rezoning the land, an existing land use anomaly is hindering the ability to meet demand for housing.

Several documents appended to Mr Wynne's submission include:

- Economic assessment advice from Tim Nott from March 2021 indicating there was no strategic land for industrial land in this location and that the site was an 'orphan' site
- Advice from Gippsland Water from May 2022, in relation to an odour amenity buffer from the Maffra Sewage Treatment Plan (STP) and servicing

requirements. The letter indicates that further investigations and consultation with EPA would need to occur before the land was rezoned.

- Modelling to demonstrated that a residential interface is viable and a suitable buffer could be accommodated.
- An excerpt from the Panel report for Amendment C74 to the Wellington Planning Scheme from 2013 which related to Council's industrial land strategy. The Panel recommended that local policy should recognise that further investigation of industrial uses in part of the land and appropriate buffers to residential land uses.

Council submitted that it was not appropriate to rezone 145 Fulton Road through the Amendment. Council added:

- it was premature to rezone the land as part of this process and that rezoning would need to be proponent-led
- the rezoning cannot be supported through the Amendment due to the potential for contamination
- rezoning the land from IN1Z to the GRZ is likely to require the preparation of Preliminary Screen Assessment Report (PRSA) to address all requirements of Ministerial Direction 1 (MD1) – Potentially Contaminated Land and Ministerial Direction No. 11 - Strategic Assessment of Amendments.

#### **(iv) Discussion**

Further work is required before the Fulton site can be rezoned for an alternate purpose and there is too much uncertainty in relation to potentially contaminated land. It is not clear whether a sensitive use (such as residential) would be appropriate.

Council is already undertaking a servicing strategy and working on a development contribution mechanism; this work will go some way to informing the future use of the Fulton site. However, before the future use of the Fulton site can be determined, Ministerial Direction 1 and Planning Practice Note 30 indicate that a Preliminary Risk Screen Assessment (PRSA) should be the first step in the process to address potentially contaminated land. It is not appropriate in these circumstances to rezone the site for a sensitive use and then rely on the EAO mitigate the risk of potentially contaminated land.

#### **(v) Conclusions**

The Panel concludes:

- It is not appropriate to rezone 145 Fulton Street to GRZ2 through the Amendment.
- Further work is required before the future use of the site can be confirmed, most critically a Preliminary Risk Screen Assessment.
- It is not appropriate to rely on the EAO to mitigate the risk of potentially contaminated land after the land has been rezoned.

## 4 Other issues

### 4.1 Contaminated land

#### (i) The issue

The issue is whether the Amendment appropriately addresses the risk of contamination and interfaces with sensitive uses.

#### (ii) Evidence and submissions

Council explained that EPA originally lodged a submission to the Amendment. The EPA submission appeared to seek further clarification in relation to some matters, including buffers (industrial land, transfer station and landfill areas) and potentially contaminated land for future rezoning proposals.

Council made the following changes in the Day 1 version of the Amendment in response to the EPA's comments:

- new policies in section 'Strategies' of *Clause 11.01-1L Maffra* relating to contamination
- included further strategic work at *Clause 74.02 Further Strategic Work* of the Wellington Planning Scheme relating to Buffer Area Overlays (BAO).
- included a new Appendix 8 to the *Maffra Structure Plan (Mesh 2022)* which outlines EPA requirements, including information about potentially contaminated land, to assist Council, the community, EPA and future proponents of privately led Planning Scheme Amendments.

Mr Wynne's submission addressed contamination in part. Mr Wynne acknowledged that a buffer to the existing transfer station would need to be provided for any future residential development. He also submitted that any potential contamination from previous industrial uses at 145 Fulton Road could be addressed by applying the EAO on the land.

In response to Mr Wynne's suggestion to apply the EAO (as part of any rezoning proposal), Council submitted that a PRSA would be required first.

#### (iii) Discussion

##### General

The Panel is satisfied that contamination has been suitably dealt with as part of the Amendment. The Amendment does not involve rezoning of land or enable sensitive uses. For any future rezoning of land within the Structure Plan area, there is detailed direction in State planning policy, Ministerial Direction 1 and Planning Practice Note 30 in how to address potentially contaminated land.

The Panel supports the changes to Clause 11.01-1L and Clause 74.02 included in the Day 1 version of the Amendment (described in Chapter 1.5). However, the Panel does not see much value in Appendix 8 of the Structure Plan. Appendix 8 simply repeats content that is already referenced in the Planning Scheme. Furthermore, the Structure Plan is only

proposed to be a Background document and therefore has no statutory weight in decision making.

### **145 Fulton Road**

Ministerial Direction 1 and Planning Practice Note 30 indicate that a PRSA should be the first step before land is rezoned. As discussed in Chapter 3.3, a PRSA should be completed before the land is rezoned, rather than relying on the EAO to address the risk after the land is rezoned. Given the Panel has not recommended the land be rezoned, this is a moot point.

### **(iv) Conclusions and recommendation**

The Panel concludes:

- The changes made in the Day 1 version of the Amendment documentation appropriately addresses the risk of contamination and interfaces with sensitive uses.
- The changes proposed in the Structure Plan to address potentially contaminated land have limited value given the Structure Plan (as a Background document) has no statutory weight for decision making.

The Panel recommends:

- 2. The changes to Clause 11.01-1L and Clause 74.02 included in the Day 1 version of the Amendment (described in Chapter 1.5) should be adopted.**

## **4.2 Bushfire risk**

### **(i) The issue**

The issue is whether the Amendment appropriately addresses bushfire risk.

### **(ii) Background**

#### **Bushfire policy and guidance**

Clause 13.02-1S (Bushfire Planning) applies to all decisions in relation to land in the Bushfire Prone Area (BPA) or Bushfire Management Overlay (BMO). Most of the Structure Plan area is within the designated BPA, as such the policy will apply.

Clause 13.02-1S directs growth to low-risk locations (being those locations having a radiant heat flux of less than 12.5 kilowatts/square metre) and states that settlements should be planned so there is no net increase in risk.

The State has also published the Design Guidelines: Settlement Planning at the Bushfire Interface (DELWP 2020) which includes more information on designing new settlements, perimeter roads, interfaces, lot layout and the management of vegetation.

#### **Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes Version 7*, June 2024 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme

provisions. The guidance includes 'entry rules', 'application rules' and 'drafting rules' to guide the introduction of new provisions. Some of the relevant rules are:

- a provision must not conflict with or duplicate other legislation, instruments or planning scheme provisions
- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

### (iii) Submissions

Council explained:

- The Country Fire Authority (CFA) originally opposed the Amendment on the basis that it lacked an adequate response to the bushfire policy themes at Clause 13.02-1S (Bushfire)
- in response to these concerns, Council obtained funding through the Regional Planning Hub program to engage a bushfire consultant, Kevin Hazell
- Mr Hazell completed a bushfire planning assessment of the Amendment which concluded:
  - The assessments in this report demonstrate that the Maffra Structure Plan is generally sound as it relates to bushfire. The directions its sets, including land for new development, satisfy Clause 13.02-1S Bushfire Planning.
  - Amendment C120 in proposing to update local policy for Maffra and give effect to some parts of the Maffra Structure Plan can be enhanced through the introduction of bushfire content, as recommended in this report. This is in the form of updated local policy and adjusted content in Development Plan Overlay, Schedule 1.
  - The strategic directions set in the Maffra Structure Plan and the proposed adjusted content in Amendment C120, in combination, would enable the Council to demonstrate that Clause 13.02-1S Bushfire Planning has been considered and applied in preparing the planning scheme amendment.
  - Recommendations in this report are in the form of the adjustments to Amendment C120, outlined above. Given the lower landscape bushfire risk setting of Maffra, there is no spatial nuances necessary. The local policy and Development Plan Overlay schedule can operate for all proposed new development envisaged in the Maffra Structure Plan.

Council explained that it made changes in the Day 1 version of the Amendment to address bushfire risk.

- New policies in section 'Strategies' of *Clause 11.01-1L Maffra* relating to bushfire:
  - Maintain settlement boundaries that consider local character, bushfire risk, contamination, infrastructure capacity, and the impacts on other land uses, particularly agriculture
  - Ensure new development in a bushfire prone area provides bushfire protection measures to:
    - Prevent grassfire from entering developed areas and manage exposure of new development to bushfire through perimeter roads and bushfire setbacks on hazard interfaces.
    - Enable an effective movement network for before and during a bushfire emergency.
    - Manage new development on larger lots in a low hazard condition to prevent a grassfire moving through developed areas

- Detailed additional requirements in section 4.0 of DPO1 relating to bushfire requirements in Maffra and shown in Appendix A.

#### **(iv) Discussion**

The bushfire risk is relatively low in Maffra and a proportionate response to this risk should be adopted in the controls.

The specific policies at Clause 11.01-1L are a proportionate response and appropriate response to the bushfire risk. However, the additional requirements for development plans in DPO1 are disproportionately prescriptive and duplicate content at Clause 13.01-1S (Bushfire Planning) and other published guidance. The drafting of DPO1 is inconsistent with the Practitioner's Guide. The level of detail in DPO1 is not proportionate to the intended outcome and should be rationalised. For example, a simplified requirement for a Bushfire Management Plan that addresses the *Design Guidelines: Settlement Planning at the Bushfire Interface* (DELWP 2020) could be a more proportionate response.

#### **(v) Conclusions and recommendation**

The Panel concludes:

- The bushfire risk is relatively low in Maffra and a proportionate response to this risk should be adopted in the controls.
- The additional bushfire requirements in section 4.0 Requirements for a Development Plan in DPO1 in the Day 1 version of the Amendment are not appropriate. The level of detail is not proportionate to the bushfire risk for the Structure Plan area and duplicates other provisions. The approach is not consistent with the Practitioner's Guide and should be rationalised.
- For example, including a requirement for a Bushfire Management Plan that addresses the *Design Guidelines: Settlement Planning at the Bushfire Interface* (DELWP 2020) would be a more proportionate response.

The Panel recommends:

- 3. The bushfire requirements proposed in section 4 of the Day 1 version of the Development Plan Overlay Schedule 1 (shown in Appendix A) are not appropriate and should not be adopted.**
- 4. If any additional bushfire requirements are included in section 4 of the Development Plan Overlay Schedule 1 these should be simplified (as compared to the Day 1 version) to ensure they are proportionate to the risk and do not duplicate other provisions (such as policy at Clause 13.02-1S).**

# Appendix A Day 1 version of Development Plan Overlay Schedule 1

??/??/20??

**SCHEDULE 1 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO1****DEVELOPMENT PLAN AREAS****1.0****Objectives**

??/??/20??

To create integrated and coordinated developments that achieve high-quality land use outcomes.

**2.0****Requirement before a permit is granted**

??/??/20??

A permit may be granted to use or subdivide land, construct a building or construct or carry out works prior to the approval of a development plan, so long as the granting of a permit does not prejudice the future, orderly use and development of the area affected by the Development Plan Overlay, to the satisfaction of the responsible authority.

**3.0****Conditions and requirements for permits**

??/??/20??

None specified.

**4.0****Requirements for development plan**

??/??/20??

A development plan must include the following requirements:

- A site analysis plan.
- Overall plan of subdivision which shows proposed lot layout and sizing, street networks, walking and cycling networks and public open space areas, as appropriate.
- Open space plan / landscape plan, which details open space improvements and landscaping, as appropriate.
- Flora and Fauna Assessment.
- Cultural Heritage Assessment (if the land is within an area of Cultural Heritage Sensitivity).
- Drainage Impact Assessment.
- Traffic Impact Assessment.
- Identification of infrastructure requirements, including timing and funding mechanisms.
- Management plan, indicating the proposed staging of the development, as appropriate.
- **Bushfire assessment and management plan (if the land is within a Bushfire Management Overlay or Bushfire Prone Area), excluding land within the Maffra Settlement Boundary (only) as per the below.**
- **For land within the Maffra Settlement Boundary (only) as per the Maffra Strategy Map in *Clause 11.01-1L Maffra*:**
  - For land within a Bushfire prone area**
    - **The development plan must be derived from a bushfire hazard site assessment that assesses bushfire hazards in accordance with AS3959-2018 Construction of buildings in Bushfire prone areas (Standards Australia) and which demonstrates that bushfire requirements will be achieved in completed development.**
    - **New buildings must be set back from bushfire hazards to ensure that the radiant heat exposure is no more than 12.5 kilowatts per square metre and a minimum construction standard of BAL 12.5 can be achieved in accordance with AS3959-2018 Construction of buildings in bushfire prone areas (Standards Australia, 2018).**

*Note: The setback required equates to Column A, Table 2 in Clause 53.02 Bushfire Planning.*

- Vegetation in the required setback must be managed as defensible space in accordance with the vegetation standards set out in Clause 53.02 Bushfire Planning. All land in lots larger than 1,200sq.m must also be managed in accordance with the vegetation standards set out in Clause 53.02 Bushfire Planning.
- A movement network that enables people living close to the hazard interface to move away to places of relative safety by:
  - Ensuring the spacing of roads leading away from the hazard are no more than 120 metres apart (on average).
  - Providing multiple roads. At least two different roads leading away from the hazard edge should be available to each lot.
  - Effectively connecting roads to the broader road network within the settlement.
  - Ensuring travel to and from a location is not alongside a bushfire hazard and providing multiple access and egress routes within developed areas to minimise the use of perimeter roads in the event of a bushfire.
- Subdivision layout and design considers Design Guidelines: Settlement Planning at the Bushfire Interface (DELWP 2020).
- A Construction Management Plan (or similar) which demonstrates how the staging of development is likely to occur, and how temporary/interim bushfire hazards will be managed during these stages.

Any of the abovementioned components of the development plan can be varied at the discretion of the responsible authority.

A development plan can be undertaken in stages, to the satisfaction of the responsible authority.

The development plan should be developed with an appropriate level of community participation, as determined by the responsible authority.

The approved development plan may be amended to the satisfaction of the responsible authority.

## Appendix B Document list

No.	Date	Description	Provided by
1	18 Mar 2026	Part A submission	Wellington Shire Council (Council)
2	18 Mar 2026	Part A submission appendices: <ol style="list-style-type: none"> <li>a. Directions letter</li> <li>b. Maffra Structure Plan (May 2022) – post exhibition version</li> <li>c. Maffra Drainage and Integrated Water Management Strategy (September 2020), Structure Plan Discussion Paper &amp; Emerging Directions (March 2021), Maffra-Sale Rd Stormwater Management Strategy (June 2021), Maffra Land Supply Assessment (October 2020)</li> <li>d. Council meeting minutes – 17 May 2022</li> <li>e. Council meeting minutes and agenda – 16 July 2024</li> <li>f. Maffra Structure Plan (May 2022) – 16 July 2024 readopted version</li> <li>g. Authorisation letter from DTP</li> <li>h. Copy of redacted submissions</li> <li>i. DPO1 updated for authorisation</li> <li>j. Council meeting minutes and agenda – 16 December 2025</li> <li>k. Explanatory report, instruction sheet, notice of preparation, ordinance and maps – exhibited version</li> <li>l. Letters to Minister for Planning, relevant State government departments and prescribed Ministers</li> <li>m. EPA withdraw of submission email</li> <li>n. Post exhibition changes and submissions response table – Council meeting 16 December 2026</li> <li>o. Bushfire Planning Assessment (Kevin Hazell Bushfire Planning, November 2025)</li> <li>p. Post-exhibition ordinance</li> <li>q. Letter from CFA to Council dated 23 December 2025</li> <li>r. Letter to CFA from Council dated 9 February 2026</li> <li>s. CFA changes post exhibition</li> <li>t. Explanatory report, instruction sheet, notice of preparation, ordinance and maps – post-exhibition version</li> </ol>	Council

---

No.	Date	Description	Provided by
3	24 Mar 2026	Part B submission	Council
4	24 Mar 2026	PowerPoint presentation	Council
5	24 Mar 2026	Submission	Mr and Mrs O'Reilly
6	24 Mar 2026	Submission and appendices	Mr Wynne
7	24 Mar 2026	Corrected Part A submission and some ordinance	Council

---