

Frequently Asked Questions



What is Draft Amendment C135sgip?

Draft Amendment C135sgip proposes changes to flood controls in the South Gippsland Planning Scheme that:

- Update the Land Subject to Inundation Overlay Schedule 1 (LSIO1) for areas subject to inundation.
- Apply a new LSIO Schedule 2 (LSIO2) to areas where road access is affected due to inundation.
- Apply the Floodway Overlay Schedule 1 (FO1) to higher risk inundation areas.

For details about these changes, how the controls apply to your property and how to provide your feedback visit: southgippsland.vic.gov.au/C135.

Why does flood information need to be included in the Planning Scheme?

Council has a duty of care to ensure that current flood information is available to the community and considered in decision-making. Flooding can be predictable in terms of location, depth and extent which means appropriate measures can be developed to reduce flood damage. Land use planning is recognised as the best means of avoiding future problems (Planning Practice Note 12, Victorian Government). Victorian planning law empowers planning schemes to regulate development in hazardous areas, including flood-prone land at Section 6(2)(e) of the *Planning and Environment Act 1987*. It also provides for the mapping of land liable to flooding that is required by the *Building Regulations 2018*.

Integrating flood information into the planning scheme ensures landowners and developers are aware of flood risk early in the development process. Overlays also appear on planning and property information certificates when property exchanges hands. Flood-related overlays help guide new development so that flood risk is properly considered. More information about the planning system, planning scheme amendments, overlays and flood controls is available at: planning.vic.gov.au.

What are the responsibilities of Council and the West Gippsland Catchment Management Authority (WGCMA)?

Council is responsible for assessing planning permit applications that are triggered by flood controls. Applications are assessed against policies and provisions in the planning scheme. The planning scheme seeks to protect life, property and assets from flood hazard.

West Gippsland Catchment Management Authority (WGCMA) provides flood risk information, mapping and advice. It provides input into planning permit applications as a referral authority because of its status as a floodplain management authority for most of South Gippsland. Note: Melbourne Water is the relevant floodplain manager in the western section of the municipality (around Loch, Nyora and Poowong), which is not affected by the updated mapping.

Where did the updated mapping come from?

WGCMA is the floodplain management authority that prepared the overlay mapping. The updated mapping has been prepared using information from ten different flood studies, available at: southgippsland.vic.gov.au/C135.

Why is my property affected if I've never been flooded?

Your property is included in the proposed overlays because flood modelling shows your property is impacted by flooding. The mapping is based on a 1% Annual Exceedance Probability (AEP) flood event. While there may be no memory or record of your property flooding, it does not mean that the land has not flooded in the past, or that it will not flood in the future. Local governments are required to apply planning controls where flood risk has been identified to safeguard the community.

Why is my property affected if the mapping of my property hasn't changed?

Some properties, including all properties in Melbourne Water's jurisdiction (including land around Loch, Nyora and Poowong), were already included in the LSI01. Council has been instructed to send letters to people who own/or live at land in the LSI01 even where the mapping is not changing. This is because the LSI01 Schedule is being updated. The Schedule has been updated to clarify planning permit exemptions and information requirements and include a new decision guideline.

What is flood modelling?

Flood modelling uses data and computer simulations to predict where water could go during extreme rainfall, storm surge and certain tide conditions. It shows where water is likely to go, how deep it may get and how fast it might move. It considers data such as topography, rainfall records, coastal processes and existing infrastructure.

What is 1% AEP flood event?

The 1% Annual Exceedance Probability (AEP) flood event is the probability that a flood of a given magnitude will occur within any given year. It was previously known as the 100-year Average Recurrence Interval flood or 1 in 100 year event. A 1% AEP flood event is considered to be a very large flood and is used as the minimum design standard for new development in Victoria. However, a flood of this size or greater may occur more frequently than this and can happen more than once in any year.

In the case of the Boxing Day 2023 flood in Welshpool, the flood event was considered greater than a 1% AEP flood event. This means that some properties that were flooded may not have been identified in the mapping. We would be interested in any information (including photos) about flood events that are beyond the proposed mapping.

Why haven't we heard about this before?

Flood modelling and the creation of flood maps is a technical process that does not always involve public consultation. The best way to get your input at a property scale is through this planning scheme amendment process. Council and WGCMA have prepared maps that can be viewed at: southgippsland.vic.gov.au/C135.

What does it mean for my house and other existing development?

No changes to existing buildings are required. However, if the proposed planning controls are approved, any new development will be subject to the new planning requirements.

Does it mean I can't build?

Some buildings and works may require planning permission and be referred to the WGCMA (relevant floodplain management authority). Depending on the controls, it may mean that some buildings:

- Do not require a planning permit (e.g. open sided car port, small extension).
- Need a planning permit (e.g. house, earthworks that could affect flood behaviour).
- May be refused if considered high risk (e.g. aged care development).

Please note that the WGCMA recognises the right to a single dwelling on an existing urban residential lot.

The proposed controls are designed to trigger the need for a planning permit where buildings and works should consider flood risk. They aim to provide for safe and appropriate development without adverse impact on other properties. Where development considers flood risk, property can be better protected from potential future damage. More information about how the WGCMA consider development and risk is available at wgcm.vic.gov.au in its 2020 Flood Guidelines.

Does it mean I can't subdivide?

The proposed controls require a planning permit for subdivision. In the Floodway Overlay (FO), where flood risk is greater, subdivision that creates any new lots entirely within the FO will not be supported. This is consistent with Council and WGCMA advice and practice for many years now. The proposed FO will make this advice and practice more transparent to existing and future owners.

What about my insurance?

Insurance premiums are determined by individual insurers using their own risk assessment methodologies. These may already incorporate flood data similar to that used in the proposed controls, along with other factors such as historical flood events, claims history, and building characteristics. Property owners are encouraged to contact their insurer directly for specific advice. WGCMA can provide flood advice to insurance companies on request. More information about flood insurance is available at: [insurancecouncil.com.au/resource/flood-insurance-explained/](https://www.insurancecouncil.com.au/resource/flood-insurance-explained/).

What about my property values?

Property values are determined by the market and influenced by a range of factors, including construction type, location, age, supply and demand, orientation, adjoining land uses, property quality as well as planning controls. It is not possible to reliably predict any impact on property values arising from the application of flood controls. If your property has been identified as having a flood risk, it should be noted that the existing flood risks to your property have not changed.

What have previous independent advisory bodies concluded about land values, insurance and development costs?

Previous independent advisory bodies appointed by the Minister for Planning have found that land values, rates, insurance and development costs are not relevant planning considerations for amendments that apply flood controls. Despite this, the topic has been discussed extensively in previous amendment reports prepared by Planning Panels Victoria including Bass Coast C82, South Gippsland C81, Moreland C50, Mornington Peninsula C216 and Melbourne C384. The Moreland report discussed other previous Panels and the lack of evidence to correlate the application of overlays with any increase in property values. Overall, these reports found that amendments to apply flood controls have net community benefit.

What does being in the Land Subject to Inundation Overlay Schedule 1 (LSIO1) mean?

Being in the LSIO1 means that your land is at direct risk of flooding and that you may need a planning permit for new development.

What does being in the Floodway Overlay (FO) mean?

Being in the FO means that your land is at a higher risk of flooding and any planning permit applications may require further information for assessment. It also means that further subdivision may not be supported. The WGCMA has adopted a flood depth threshold of 0.3 metres to guide the application of the FO. The 0.3 metre threshold reflects the depth at which floodwaters are considered unsafe for small vehicles as well as pedestrians. It is a recognised safety benchmark.

Why have my planning controls changed from LSIO to FO?

The flood depth threshold of 0.3 metres has been reapplied to some areas previously mapped for inclusion in the LSIO. This reflects a consistent approach to flooding controls across the municipality. It also reflects changes in risk tolerance for flood planning and emergency services capacity.

Why am I included in a flood overlay (LSIO2) if my land is not at risk of flooding?

A new Schedule 2 to the Land Subject to Inundation Overlay (LSIO2) has been applied to areas indirectly affected by inundation where road access to the land is subject to flood depths exceeding 0.3 metres during a 1% AEP flood event. This threshold, also used for the FO, reflects the depth at which floodwaters are considered unsafe for small vehicles. Recent Victorian Civil and Administrative Tribunal (VCAT) decisions have highlighted the need for appropriate planning permit triggers to enable consideration of flooding in the

assessment of a planning permit application. This is relevant even where land is not directly flood-prone. Flood risk is still a critical consideration where access to land is cut off during a 1% AEP flood event.

What can I do to be flood prepared?

The Victorian State Emergency Service's website provides information to help people prepare for, respond to and recover from a flood event. Please visit ses.vic.gov.au for more information. *The First 72 Hours* is simple planning process will help you prepare for an emergency situation like a flood or storm, find out more at: southgippsland.vic.gov.au/72HRS.

How do I have my say?

Community members are encouraged to participate in the consultation process by providing feedback. Feedback must be provided **in writing** by **5.00pm** on **Monday 6 July 2026**. The submission portal can be accessed via the project's Your Say webpage: southgippsland.vic.gov.au/C135. Submissions should clearly state the grounds on which the amendment is supported or opposed, and outline what changes (if any) the submitter wishes to make. Please note that your submission will be treated as a public document. Reading previous Planning Panel Reports about flood amendments can be a useful guide to understand how submissions can impact on amendments. Some of these amendment reports are referred to on page 6 of these FAQs and are available at: planning-schemes.app.planning.vic.gov.au/All%20schemes/amendments.

What happens next?

All submissions will be considered by Council. Submissions may be referred to the Flood-related Standing Advisory Committee, an independent advisory body, in accordance with its Terms of Reference at: planningpanels.vic.gov.au/panels-and-committees/projects/flood-related-amendments-standing-advisory-committee. The Committee's purpose is to provide timely, independent advice to the Minister for Planning, Councils and CMAs about specific matters raised during the amendment process and any other matters specified by the Minister for Planning. If required, the Committee may hold hearings to consider public submissions and will produce a written report for the Minister for Planning.

Who can I contact to get more information?

More information is available by visiting: southgippsland.vic.gov.au/C135. If after reading all the information provided you have further questions you can:

- Call Council officers on 03 5662 9200.
- Email Council at council@southgippsland.vic.gov.au.
- Attend one of the joint Council and WGCMA information sessions being held in key towns (visit the project webpage for more information and to RSVP).
- Call or email to arrange a private appointment.

On-site meetings with affected landowners can also be arranged.