



# Planning Panels Victoria

Department of Transport and Planning

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26 October 2026

Dear Party

## **Draft South Gippsland Planning Scheme Amendment C135sgip: South Gippsland Flood Studies**

The Flood-related Amendments Standing Advisory Committee (the Committee) held a Directions Hearing for the above matter on 22 October 2026. Please find attached:

- Committee Directions
- Distribution List, including a file share link
- Hearing Timetable, including venue details and a video link.

The following dates apply:

| Time           | Date                            | Documents to be circulated and other matters                                             | Direction |
|----------------|---------------------------------|------------------------------------------------------------------------------------------|-----------|
| 12 noon        | Tuesday, 27 October 2026        | Mr Kell to confirm expert details                                                        | 17        |
| 12 noon        | Wednesday, 4 November 2026      | Council to provide maps showing submitter locations and key flood-related infrastructure | 8         |
| 12 noon        | Wednesday, 4 November 2026      | Council background and context submission                                                | 12        |
| 12 noon        | Monday, 9 November 2026         | Council to confirm response to submitters                                                | 9         |
| 12 noon        | Monday, 9 November 2026         | Catchment Management Authority to provide the information specified                      | 10        |
| 12 noon        | Monday, 9 November 2026         | Council to circulate Version 3 amendment documentation from                              | 13        |
| 12 noon        | Monday, 9 November 2026         | Mr Kell to file expert statement(s) (if required)                                        | 18        |
| 12 noon        | Friday, 13 November 2026        | Council and Catchment Management Authority main submission                               | 14        |
| 12 noon        | Friday, 13 November 2026        | Other documents or material to be presented on Day 1 of the Hearing                      | 27        |
| <b>10:00am</b> | <b>Monday, 16 November 2026</b> | <b>Hearing commences</b>                                                                 |           |

## **Declarations**

The Committee declared no conflicts of interest.

### **Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Transport and Planning, GPO Box 2392, Melbourne, Victoria 3001



## Matters discussed at the Directions Hearing

Several preliminary matters or matters of clarification were discussed at the Directions Hearing, some of which Council took on notice. Two of these (impacts on property values and insurance, and the scope of the Committee's remit regarding methodology) were the subject of correspondence from the Committee to the Department of Transport and Planning (DTP) before the Directions Hearing (tabled document 11). DTP provided a response on 21 October 2026 (tabled document 12). All matters are summarised below.

**Impacts on property values and insurance** – DTP has updated the referral to remove reference to property values and insurance. Accordingly, impacts on property values and insurance are not matters that are before the Committee and they will not be considered through submissions or evidence.

**Methodology** – The Committee's correspondence to DTP prior to the Directions Hearing outlined the Committee's preliminary view that it would need to consider the methodology of the flood studies or mapping in order to address referred matters 1, 3 and 4. DTP, Council and the West Gippsland Catchment Management Authority (CMA) did not express a view on this issue. The Committee has made a direction that submissions and evidence put to the Committee must not address methodology beyond the extent necessary to address the referred matters (Direction 11).

**Council notification of its responses to submissions** – Council took a question from the Committee on notice regarding responses to submitters. The Committee noted that submitters may choose to participate in the Committee process depending on Council's response, and should be notified as soon as possible to allow them to participate if they choose to do so. This is addressed in Direction 9.

**Further mapping changes** – Council indicated that there were two potential further mapping changes to be proposed. These have not yet been finalised. The Committee has directed Council to provide any further updates to the mapping in a version 3 of the draft Amendment documentation before the Hearing commences (Direction 13), and to advise the Committee whether the affected property owners and occupiers have been notified (Direction 9).

**Safety benchmark** – The Committee asked where a flood depth of 0.3 metres is recognised as the safety benchmark. The CMA clarified that this is specified in the Australian Rainfall and Runoff Guideline, was adopted in Amendment VC317 and has also been adopted by Melbourne Water in its capacity as a floodplain manager. The Committee has directed the CMA to provide the relevant references (Direction 10).

**Land Subject to Inundation Overlay Schedule 2 drafting** – Council indicated it would confirm the wording of the exemption for works consented to by the floodplain management authority prior to the Hearing. This should form part of Council's Version 3 amendment documentation directed under Direction 13.

**Amendment VC317** – DTP previously wrote to the Committee to confirm that it was not expected to consider the translation of flood controls into the new controls introduced through Amendment VC317 (tabled document 13). In response to a query from one of the parties, the Committee has sought further clarification from DTP on whether it is to consider the updated policy introduced through Amendment VC317 (tabled document 14). The Committee will provide this response to parties once received.

**Relevance of submission 17** – The Committee noted that referred submission 17 requested changes to Clause 52.17 (permit requirements for removal of native vegetation) which is not proposed to be changed by this draft Amendment. The Committee asked Council's view on whether this submission is relevant. Council took this on notice. The Committee has directed that Council address this in its background and context submission (Direction 12).

**Discrepancy in referred submission numbers** – Council provided the Committee with a marked-up version of the referral letter with changes to relevant submission numbers raising referred matters (tabled document 9). The Committee indicated it would have regard to both DTP's and Council's lists, and will make its own assessment of relevant submission numbers in light of this.

### **Additional parties**

The Committee has received a late request to be heard from Submitter 76 (Andrea Macdonald) which has been accommodated in the timetable. The Committee understands from Council that one further submitter may wish to be heard. The timetable will be updated to accommodate this request once received.

### **Legal Assistance Service**

Foley's List Barristers has a Legal Assistance Service that provides low-cost or no-cost legal support to eligible submitters in Planning Panels Victoria hearings. Assistance ranges from preliminary advice to full representation, with fees reduced or waived. To participate, submitters must meet eligibility criteria. Assistance is subject to barrister availability. More information about the service is available on the Planning Panels Victoria [website](#) including information about who to contact at Foley's List to apply for assistance.

If you have questions, please contact Chris Brennan, Senior Project Officer of Planning Panels Victoria on (03) 9935 4142 or [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).

Yours sincerely



**Sarah Carlisle**  
Committee Chair

# Directions

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## Administrative directions

If you have any queries regarding the process for circulating and presenting documents to the Committee:

- review guidance on the [Planning Panels Victoria \(PPV\) website](#)
- direct any further queries to PPV at [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).

If you think you will not meet a deadline in a direction, you must seek an extension from the Committee before the deadline with reasons by email to [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).

## Circulating documents

1. Documents should be no more than 20MB in size, and must:
  - a) be relevant to the matters before the Committee
  - b) use file names as short as possible and begin with the name of the party as it appears on the Distribution List in the following format:  
[Party name] - [Document Title] - [date of filing].
  - c) not contain offensive or defamatory material, or personal information about other people (such as contact details or photographs of people, particularly children).
2. Documents and material must be emailed to all parties on the Distribution List and uploaded to the Planning Panels Victoria Document Portal (see attached Distribution List for the links).

## Presenting at the Hearing

3. Submissions, presentations and other material presented at the Hearing must be presented electronically through screen sharing.

## All documents are public

4. Any document presented to the Committee is a public document solely for the Committee process unless the Committee directs otherwise. It cannot be used for any other purpose.

### Notes

Paper documents will only be permitted in exceptional circumstances. If you have with difficulties providing documents electronically you should contact PPV.

Any request to access a document after the document sharing platform is deactivated will be subject to the Freedom of Information process.

For more information on how your submission will be used, refer to the [PPV Website](#).

## Hearing support

5. Council must provide administrative support to manage the Hearing.
6. Where relevant, support should be consistent with the Guide to Hearing requirements for in-person, online or hybrid hearings on the [PPV website](#).
7. Council must publish notice of the Hearing on its website including dates and venue and/or video link details as applicable.

## Information to be provided by Council

### Maps of submitter locations and key flood related infrastructure

8. Council must provide the Committee with a map or series of maps by 12 noon on **Wednesday 4 November 2026** showing:

- a) the location of submitter properties within a proposed overlay (for referred submissions only)
- b) key infrastructure features relevant to the Amendment (for example trunk stormwater drainage infrastructure or flood prevention or mitigation works such as levees or seawalls).

## Response to submitters

9. Council must advise the Committee **as soon as possible but no later than 12 noon on Monday, 9 November 2026**:
- a) whether (and if so when) submitters have been notified of Council's response to their submission
  - b) whether the response was in accordance with the Submissions Response Report provided in the package of referred materials (if not, outline the differences)
  - c) whether any additional changes are proposed to either the mapping or the controls applying to individual properties beyond those shown in the Revised Planning Scheme Amendment provided as part of the referred materials (the Version 2 amendment documentation), and whether affected owners and occupiers of the relevant properties have been notified.

### Notes

The exhibited draft Amendment documents are referred to as **Version 1**. The Revised Planning Scheme Amendment documents provided as part of the referred materials are referred to as **Version 2**.

## Information to be provided by the CMA

### Safety benchmark

10. The CMA must circulate references to where the safety benchmark of 0.3 metre flood depths (regardless of velocity) has been adopted by **12 noon on Monday, 9 November 2026**.

## Submissions

### All submissions

11. Submissions and material put to the Committee must not address flood study methodology beyond the extent necessary to address the referred matters.

### Note

For information on how to prepare and present material at a Hearing, refer to the [PPV Website](#).

## Council background and context submission

12. Council must circulate a background and context submission by **12 noon on Wednesday, 4 November 2026** that includes:
- a) a summary of the strategic context, including:
    - (i) relevant planning policies and provisions
    - (ii) an explanation of how the Amendment addresses the following Ministerial Directions and planning practice notes (and if they are not considered relevant, an explanation as to why):
      - Ministerial Direction 22 (Climate Change Considerations)
      - Planning Practice Note 12: Applying the flood provisions in planning schemes
      - PPN53 (Managing Coastal Hazards and the Coastal Impacts of Climate Change)
      - any other Ministerial Direction or Planning Practice Note considered relevant

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- b) a summary of the findings of the 10 Flood Studies on which the draft Amendment is based
- c) confirmation as to whether the flood studies reflect the best available information (for example the latest version of Australian Rainfall and Runoff 2019), noting that some of the flood studies are quite dated
- d) a summary of the conditions or requirements that the Department highlighted should be met in the preparation of the draft Amendment (if any)
- e) Council's view on whether Submission 17 is relevant to the draft Amendment and the referred matters.

#### Note

Council's background and context submission will be taken as read. Council should allow time for questions at the Hearing.

### Version 3 amendment documentation

- 13. Council must circulate by **12 noon on Monday, 9 November 2026**:
  - a) Version 3 Amendment documentation showing any further changes to the proposed mapping or controls (changes to the controls must be shown in track changes) beyond those shown in Version 2 amendment documents provided as part of the referred materials
  - b) an explanation of the rationale for the further changes.

### Council and CMA main submission

- 14. Council and the West Gippsland Catchment Management Authority must circulate a main submission by **12 noon on Friday, 13 November 2026** that includes:
  - a) a heading for each referred matter
  - b) their response to the referred matters
  - c) an explanation of any aspects of the Amendment on which they are not agreed (which clearly outlines the positions of each). This includes the CMA not supporting the proposed permit exemption relating to the receipt, importation, stockpiling or placement of not more than 100 cubic metres of fill
  - d) their final positions on the Amendment.
- 15. If the main submission addresses any specific properties in responding to the referred matters, it must include a map or diagram showing:
  - a) the property
  - b) the exhibited mapped extent of the relevant overlay
  - c) any proposed changes related to that property including mapping changes and changes to the proposed controls.

The above information may be taken from the Submissions Response Report where appropriate, however the Committee does not require a detailed response to every submission as outlined in the Submissions Response Report.

### Council reply submission

- 16. Council's reply submission can be oral. The reply submission:
  - a) must not raise new matters
  - b) may respond to matters raised in other parties' submissions or evidence
  - c) may include Council's final position on the Amendment.

## Evidence

### Expert details and statements

17. If not already provided, full details of all experts must be circulated by **12 noon on Tuesday, 27 October 2026**.
18. Expert statements must be circulated by **12 noon on Monday, 9 November 2026**.
19. Expert statements must not address flood study methodology beyond the extent necessary to address the referred matters.
20. An expert statement must:
  - a) comply with the PPV Practice Note 1 - Expert Evidence ([Expert witnesses \(planningpanels.vic.gov.au\)](https://planningpanels.vic.gov.au))
  - b) not refer to any individual submitter by name – if necessary, individual submitters should be referred to by submission number. Community groups, organisations, corporations and government agencies can be referred to by name.

### Presenting evidence at the Hearing

21. Unless agreed by the Chair, evidence should be presented in no longer than 30 minutes.
22. An expert may present a summary of their evidence at the Hearing, but it must:
  - a) not include new evidence
  - b) be circulated by 12 noon the business day before that expert is scheduled to appear.
23. If giving evidence online, an expert must:
  - a) be alone in the room from which they give evidence and not make or receive any communication with another person while giving evidence except with permission from the Committee
  - b) inform the Committee immediately should another person enter the room from which they are giving evidence
  - c) not discuss their evidence with any other person during breaks in evidence when under cross examination
  - d) not have before them any document, other than their expert statement and relevant joint experts report and supporting documents.

### Questions to experts

24. A party, advocate and the Committee may question an expert.
25. Parties must limit questions (including responses) to 30 minutes, unless otherwise agreed by the Committee (the day before the expert appears).
26. If asking questions of an expert, a party must:
  - a) be present for the whole of the expert giving their evidence
  - b) ask clear, concise and relevant questions, directed to matters of fact or professional opinion, that genuinely assist the Committee in understanding the referred matters
  - c) allow the expert time to explain their answer.

#### Notes

Question time may be limited, and the Chair will regulate questions to ensure they are relevant and efficient. You may be asked to move on to another topic if the line of questioning is not useful to the Committee. Things to avoid when asking questions include:

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- making a submission or providing your opinion
- giving extensive comment or context as an introduction to your question
- asking questions that are unrelated to the evidence
- arguing with the expert
- commenting on the expert or the evidence
- asking questions that have already been asked by another party.

If you do not support the evidence or basis on which it was prepared, or consider the evidence should not be given weight, detail your reasons in your submission rather than raising these issues in questions.

If you are not experienced in questioning an expert, you are encouraged to write your questions down to ensure they are succinct, structured into themes and able to be asked without long explanations of the context.

For information on how to ask questions of experts, refer to the [PPV Website](#).

## Presenting material at the Hearing

27. Submissions, presentations and other material presented to the Committee must:
- a) be presented electronically
  - b) be circulated by 12 noon on the business day before the material is to be presented
  - c) relate to the matters before the Committee
  - d) include a summary of fewer than five pages if the material is more than 40 pages.
28. Parties allocated a time to present in a block must be present at the start of the block. The Committee will hear from submitters in that block according to who is present. If you are not present at the start of your allocated block you may not be able to present to the Committee.

## Use of Artificial Intelligence

29. If submissions or evidence have been generated, wholly or in part, using Generative Artificial Intelligence (AI), a declaration must be made in writing to the Committee when circulating the material explaining how AI has been used. Refer to [PPV Practice Note 4: Use of Artificial Intelligence in PPV proceedings](#) for further information.

## Use of personal information

30. A party must not record, keep, distribute or publish contact details of any other party obtained during the Committee process, or use those contact details for any other purpose.

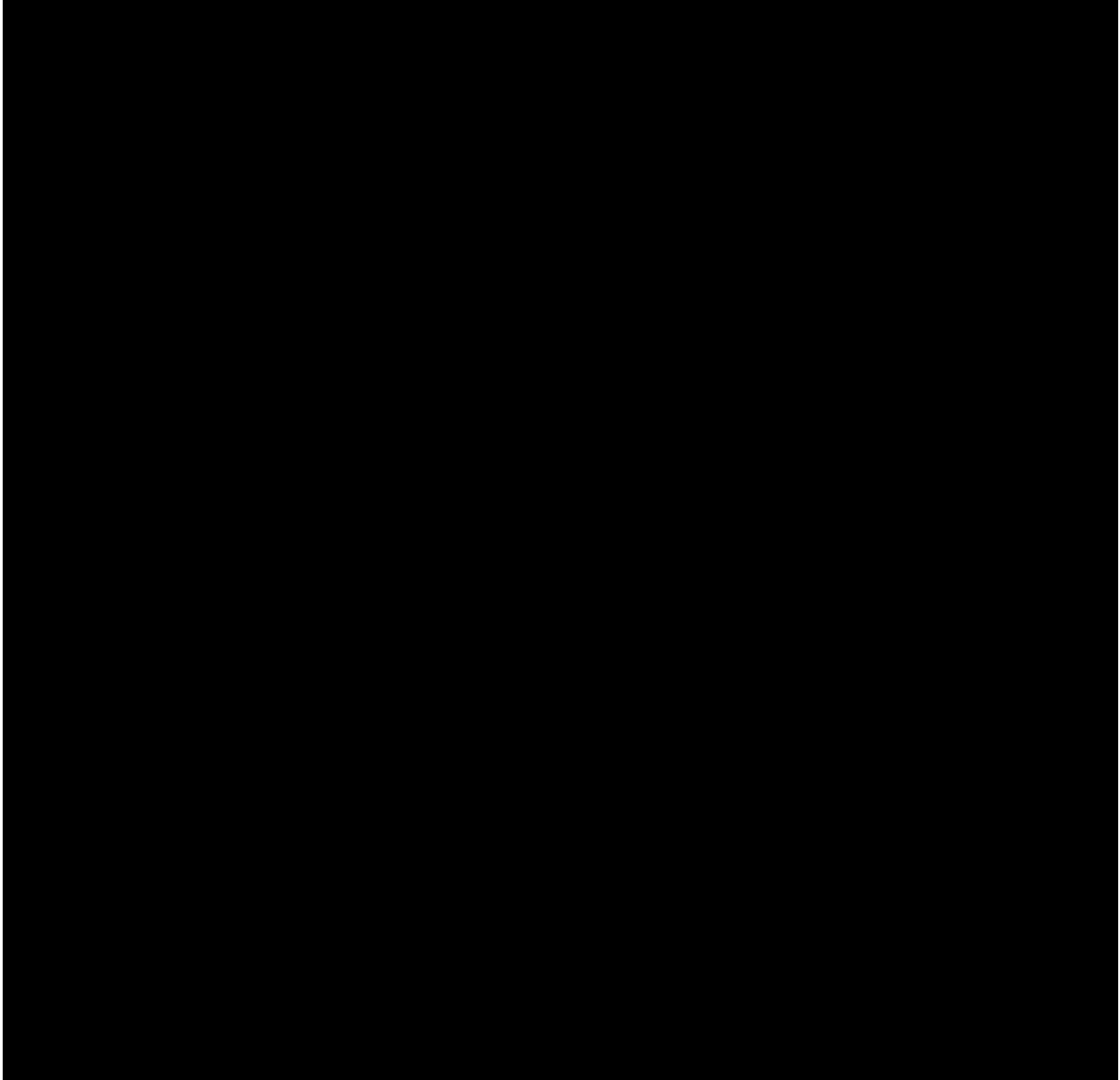
### Note

For more information on how your personal information will be used, refer to the Privacy Collection Notice attached to the Committee's Directions Hearing letter dated 29 September 2026

# Distribution List

Draft South Gippsland Planning Scheme Amendment C135sgip:  
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Use this list to circulate documents and information in accordance with the Committee's directions. It must not be used for any other purpose. If you are unsure about whether any material or content is appropriate for the Committee process, please seek guidance from Planning Panels Victoria before circulating the material.



# Timetable

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## Timetable Version 1

**Day 1: Monday 16 November 2026**

**Venue:** South Gippsland Shire Council Chambers, 9 Smith Street, Leongatha and by video:

<https://teams.microsoft.com/meet/418718580722934?p=UNDE1eXKSfG3DhvuBI>

**Meeting ID:** 418 718 580 722 934 | **Passcode:** XH3jb3Q5

**Dial in details (audio only):** Call +61 3 9070 4463 and enter phone conference ID 239 178 001#

| Time                                      | Party                                                                                                                                                                                | Sub No | Allocated      |
|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------|
| 10:00am                                   | Preliminary matters                                                                                                                                                                  |        | <b>20 mins</b> |
| 10:20am                                   | <b>South Gippsland Shire Council (Council) and West Gippsland Catchment Management Authority (CMA)</b> represented by Chantal Lenthall (Council) and Ben Proctor and Adam Dunn (CMA) |        | <b>1 hour</b>  |
| <b>11:20am</b>                            | <b>Break</b>                                                                                                                                                                         |        | <b>15 mins</b> |
| <b>Morning block 1 commencing 11.35am</b> |                                                                                                                                                                                      |        |                |
|                                           | <b>Qube Ports Pty Ltd</b> , represented by Noel Treacy of Tetra Tech Coffey                                                                                                          | 71     | 10 mins        |
|                                           | <b>Roger Harvey</b>                                                                                                                                                                  | 50     | 10 mins        |
|                                           | <b>Keith Greer</b>                                                                                                                                                                   | 56     | 10 mins        |
|                                           | <b>Andrea Macdonald</b>                                                                                                                                                              | 76     | 10 mins        |
|                                           | <b>Wolfgang Fiedler</b>                                                                                                                                                              | 31     | 5 mins         |
| <b>12:20pm</b>                            | <b>Lunch break</b>                                                                                                                                                                   |        | <b>1 hour</b>  |
| 1.20pm                                    | <b>Christopher Cope and Simon Pilkington</b> , represented by Glenn Kell of Planning Central, with expert(s) to be confirmed                                                         | 30, 58 | 2 hours        |
| <b>3.20pm</b>                             | <b>Break</b>                                                                                                                                                                         |        | <b>15 mins</b> |
| 3.35pm                                    | <b>Council and CMA</b> closing submission                                                                                                                                            |        | 30 mins        |
| 4.05pm                                    | Hearing close                                                                                                                                                                        |        |                |

### Hearing Timetable Notes:

1. If you are unable to be present at your scheduled time, please contact Planning Panels Victoria on (03) 9935 4142 or [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au) as soon as possible.
2. Please be present or online at least 15 minutes before your scheduled start time.
3. The Committee may amend a party's start time without notice. You will be contacted in advance if you are to be rescheduled to a different day.
4. Time will be made for morning and afternoon breaks each day. Break times will be taken at appropriate points in the proceedings, and break times in the timetable are indicative only.
5. If you have any questions about the timetable, please contact Planning Panels Victoria at [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).