From: [redacted]
[redacted]
Cc: info
Subject: RE: Amendment C217ball – Submission 057 – [redacted] – Further and Better Particulars
Date: Friday, 31 July 2026 3:34:55 PM
Attachments: image.png
Troon Group - [redacted]
Importance: High

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Dear Planning Team,

Thank you for your email and apologies for the delay in providing the further and better particulars foreshadowed in Submission 057. Please treat this email as providing those particulars, in advance of the Directions Hearing on 3 August 2026.

Submission 057 was lodged as a holding submission to preserve our client's rights within the exhibition period while technical input was obtained on the flood modelling underpinning the Amendment. We appreciate that this has limited Council's ability to respond to date, an[redacted] out below the specific planning and technical grounds our client relies on in relation to [redacted]

1. Currency and completeness of the drainage and terrain data underpinning the flood modelling for the site. We understand the models draw on Council's drainage asset database (supplem[redacted]here gaps exist, estimated) and on October 2019 LiDAR terrain data. [redacted] is a substantially hardstand commercial site with its own on-site stormwater drainage and detention infrastructure, and we seek confirmation that this was captured from as-constructed information rather than estimated.
2. Proportionality of the climate change scenario adopted. The FO/LSIO extents affecting the site are derived solely from the RCP8.5/2100 scenario under the now-superseded ARRv4.1 (2019) guidance. Council's own technical responses confirm the current standard, ARRv4.2 (July 2024), uses a different methodology that could increase rainfall intensity by 34–86%. Given the Amendment is being finalised in 2026, we submit this warrants consideration.
3. Adequacy of the FO/LSIO Schedule carve-outs for redevelopment of an existing, approved commercial building. While the exhibited Schedules address alterations and minor additions, they do not adequately preserve our client's ability to redevelop or expand the existing building footprint. We seek either an expanded exemption or a merit-based permit pathway (supported by a site-specific flood report at permit stage).
4. Access to the u[redacted]od modelling outputs (depth, velocity, hazard classification) specific to the [redacted] land, to allow the mapped extent to be properly tested.
5. A request to negotiate these matters directly with Council officers, consistent with the Planning Delegated Committee's resolution of 8 July 2026 authorising the CEO to resolve issues arising during the Panel process, and Council's own acknowledgement that mapping refinements may be appropriate.

We would welcome the opportunity to discuss these matters with Council officers ahead of, or at, the Directions Hearing on 3 August, with a view to narrowing or resolving the issues in dispute before any substantive Hearing. On that basis, we ask that Council's position to the Panel reflect the particulars now provided.

Please let us know a convenient time to discuss.

Kind regards,

[redacted]

[redacted]

[redacted]

[redacted]

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30 July 2026

Strategic Planning Team
City of Ballarat
Emailed to: strategicplanning@ballarat.vic.gov.au

Re: Amendment C217ball – Submission 057 – [redacted] – Further and Better Particulars

Dear Strategic Planning Team,

We refer to your email regarding Submission 057, lodged on behalf of [redacted] (the "Owner") by Troon Group in its capacity as managing agent for the Owner, in relation to Planning Scheme Amendment C217ball. We thank you for your patience and apologise for the delay in providing the further and better particulars foreshadowed in that submission. This letter provides those particulars, in advance of the Directions Hearing listed for 3 August 2026.

Submission 057 was lodged as a holding submission to preserve the Owner's rights within the statutory exhibition period while technical input was obtained on the flood modelling underpinning the Amendment. We appreciate this has limited Council's ability to respond to date, and set out below the specific planning and technical grounds on which the Owner relies in relation to [redacted].

1. The Land and the Proposed Overlays

[redacted] is an established, income-producing [redacted], together with a number of specialty tenancies. The site has long-term redevelopment potential which the Owner is actively considering as part of a broader highest and best use assessment.

The exhibited Amendment applies both a Floodway Overlay (FO) and a Land Subject to Inundation Overlay (LSIO) across parts of the land. The Owner acknowledges the FO Schedule and LSIO Schedule, as exhibited, include carve-outs for alterations and minor additions to existing approved buildings. However, the overlays as currently drafted and mapped would impose significant additional permit requirements, and consequent cost, delay and uncertainty, on any material redevelopment or expansion of the existing building footprint.

2. Grounds of Objection

2.1 Currency and completeness of drainage and terrain data

Council's flood modelling consultant, Water Technology, has confirmed that the hydraulic models underpinning the Amendment rely on Council's drainage asset database, supplemented by as-constructed plans and, where gaps exist, by estimated invert levels derived from LiDAR elevations or standard design assumptions. Base terrain data is drawn from an October 2019 LiDAR capture. [redacted] is a substantially hardstand commercial site with its own on-site stormwater drainage and detention infrastructure. The Owner seeks confirmation from Council and Water Technology as to whether the site-specific drainage infrastructure and current site levels at [redacted] were captured from as-constructed information, or estimated, and requests that this be verified and corrected as necessary prior to the Amendment proceeding.

2.2 Proportionality of the climate change scenario adopted

The FO and LSIO extents affecting [redacted] are derived exclusively from the 1% AEP event under the RCP8.5/2100 climate change scenario, being the most extreme of the scenarios modelled, adopted under the (now superseded) Australian Rainfall and Runoff 2019 guidance (ARRV4.1). Council's own technical responses confirm that the current standard, ARRV4.2 (July 2024), adopts a materially different methodology and could increase rainfall intensity by 34–86% for a 2100 design horizon. As the Amendment is being finalised in 2026, well after the release of ARRV4.2, the Owner submits that the Panel should be asked to consider whether the mapped extent and hazard classification affecting a fully developed, non-greenfield commercial site such as Alfred Square remains appropriate, or whether it should be tested against contemporary climate guidance.

2.3 Adequacy of schedule carve-outs for existing use and redevelopment

The Owner supports appropriate management of genuine flood risk but submits that the exhibited FO and LSIO Schedules do not adequately preserve the ability to redevelop or expand an existing, approved commercial building on a site of this nature. The Owner seeks either (a) an expanded exemption within the relevant Schedules for redevelopment and expansion of existing approved buildings on [redacted], or (b) a merit-based permit pathway (supported by a site-specific flood risk and mitigation report at the permit stage) as an alternative to a blanket presumption against buildings and works. This is consistent with Council's own stated objective of fostering "a strong and innovative local economy" and avoiding unnecessary constraints on investment in established commercial centres.

2.4 Access to underlying modelling and mapping data

Consistent with requests made by other submitters, the Owner requests access to the flood depth, velocity and hazard modelling outputs specific to the [redacted] land, to allow the FO/LSIO boundary and hazard classification affecting the site to be properly reviewed prior to the Panel Hearing.

2.5 Negotiated resolution

The Owner notes that the Planning Delegated Committee resolution of 8 July 2026 authorises the Chief Executive Officer to negotiate and resolve issues raised during the Planning Panel process, and that Council's officers have acknowledged that mapping refinements may be appropriate in response to submissions. The Owner requests the opportunity to negotiate directly with Council officers on the matters raised above, with a view to resolving them prior to, or without the need for, a fully contested Panel Hearing.

3. Relief Sought

Council should:

1. Confirm whether site-specific drainage infrastructure and current site levels at [redacted] were captured or estimated in the flood models, and correct the modelling and mapping as necessary;
2. Provide the underlying flood depth, velocity and hazard modelling outputs for the [redacted] land;
3. Consider whether the FO/LSIO extents affecting [redacted] should be reviewed against current (ARRV4.2) climate change guidance;
4. Amend the FO and LSIO Schedules to provide an appropriate exemption, or a merit-based permit pathway, for redevelopment and expansion of existing approved buildings at [redacted]; and
5. Make Council officers available to negotiate these matters directly with the Owner and its managing agent prior to the Panel Hearing.

On this basis, the Owner respectfully requests that Council's position to the Panel reflect the particulars now provided. The Owner reserves the right to supplement these particulars with further technical or expert evidence prior to the Panel Hearing, and confirms it wishes to be heard at the Directions Hearing on 3 August 2026 and the main Hearing commencing 31 August 2026.

We would welcome the opportunity to discuss these matters with Council officers ahead of, or at, the Directions Hearing. Please do not hesitate to contact the undersigned should you have any queries.

Yours sincerely,

[redacted]

[redacted]
Troon Group, Managing Agent for [redacted]