

From: [REDACTED]
To: [Strategic Planning](#)
Subject: Fwd: OFFICIAL: Objection to Ballarat Planning Scheme Amendment C217ball
Date: Friday, 29 May 2026 12:20:40 PM
Attachments: [C217.pdf](#)

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OFFICIAL

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To whom it may concern:

Re: Objection to Ballarat Planning Scheme Amendment C217ball

Please accept my objection to the above planning scheme amendment, I object to the planning scheme amendment in its entirety, for the area of Newington, particularly the Waller Estate Heritage Precinct and specifically for the property at [REDACTED].

My submission in support of the objection is as follows:

Mapping

You reference the “*11 Waterways Flood Mapping Project*” (2019) *waterways were modelled and mapped ... Since 2019, the municipality has seen significant growth, altering several of the modelled catchment flooding characteristics*”.

1. The area of Newington specifically the Waller Estate Heritage Precinct is a well-established area and is governed by a heritage overlay - HO169 (*Incorporated plan- Ballarat Planning Scheme Heritage Control Incorporated Plan (Ballarat City Council, July 2025)*). Other controls in place include tree controls and solar energy controls. Building and works protected under this overlay means that Waller Estate Heritage Precinct has developed no new establishments that would reflect “significant growth” as has been stated in justification for the proposed amendment C217ball.
 - a) Can the Council please a) identify the areas of “significant growth” that have impacted on the Waller Estate Heritage Precinct and b) confirm that if “any significant growth” has occurred, that consideration to existing water way effectiveness and impact on existing properties was considered in the planning and approval processes.
2. The “*11 Waterways Flood Mapping Project*” (2019) completed “*modelling of the 20%, 10%, 5%, 2%, 1% and 0.5%” impact*”.
 - b) Can the council advise why they have accepted a 1% modelling rather than the 0.5% modelling?
3. The Waller Estate Heritage precinct (of which [REDACTED] is placed) as stated is already governed by a heritage overlay - HO169. HO169 sets out agreed permit requirements to subdivide, demolish or remove and construct a building or carry out a

range of works ...(refer Victorian Planning Provisions 43.01). I contend that the “Special Building Overlay SB01 - Map 27” does not provide additional protections that not available via HO169 and current building regulations.

4. I contend that the proposal that properties within the Waller Estate Heritage Precinct be subject to two building overlays is excessive.

Councils’ responsibility and planning

5. As previously mentioned, it is the not responsibility of current landowners to bear the brunt of adverse consequences of past poor building planning approvals and associated infrastructure considerations that the council now considers has impacted on well-established areas and seeks to address by regulatory means- that is placing new overlays on existing properties and property owners.
6. If it is asserted that the area is now at risk of a 1:100 flooding event, I seek advice on:
 - c) Apart from the proposed overlays – which will require property owners to now meet onerous, expensive and excessive planning considerations, what is the Ballarat City Council’s plan (ie; clear actions) to address the issue of inadequate drainage, or is it simply considered that the issues will be addressed by the Council placing further overlays on the property owner for what are city infrastructure issues?
 - d) If the Ballarat City Council seek that this is now a property owner issue, I draw your attention to the **Redan Creek catchment: report on stormwater drainage study** (1993) Resource code NA0099 CCMA Library¹. In summary the report states:
 - a. *This report on the road and Creek catchment for the City of Ballarat recommends a stormwater drainage management strategy which if fully implemented will provide significant flood protection against a 100 year storm event. The strategy includes a programme of structural measures to raise the flood protection standard from the five year flood level to the 20 year flood level further protection against property damage can be achieved by a land purchase house elevation programme combined with non structural measures this balance of structural land and non structural measures provides the City Council with a cost effective plan to alleviate the major flooding problems in the catchment.*
 - e) As this report was prepared in 1993 I seek advice on how the Council actioned those recommendations of structural and non-structural measures over the last 33 years to “provide significant flood protection against a 100 year storm event”.
 - f) Or, if no action was taken by Council, the reasons Council took no action but continued with allowing “ significant growth, altering several of the modelled catchment flooding characteristics” resulting in the current proposal.

¹ [Corangamite CMA Knowledge Base - Redan Creek catchment: report on stormwater drainage study](#)

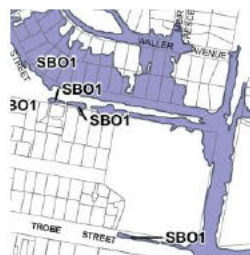
- g) Having walked Redan Creek area, I seek the Council's advice on what regular maintenance is occurring given the current state of the creek which is overgrown and has built up leaves and rubbish that are affecting drainage. It is not fair or reasonable to impose regulation on property owners when the "potential cause" of flooding (the creek) remains the council's responsibility and appears is not subject to upkeep.

7. It is with interest that I read about Pleasant Street Reserve² [REDACTED]. I watched this project in October 2023 and noted the significant drainage works that were undertaken, I have come to understand that:

*"The project included a complete resurfacing of the two pitches and the club's training area, **upgrades to drainage and irrigation**, installation of new fencing, new grass turf and new coaches' boxes. The project received \$667,219 from the City of Ballarat Recreation Services budget as part of its capital program pipeline and \$500,000 from the State Government's 2021-2022 World Game Facilities Fund.*

- h) While I watched the work being undertaken on the reserve, I seek advice as to whether the significant upgrades to the drainage and irrigation included upgrades to the existing drainage systems utilised by the surrounding properties, or whether these works have now negatively impacted on the surrounding property owners forming part of the position as to why the proposed amendments are required?.
- i) Further I note on the Amendment C217Ball³, (Picture 1) the Council investment in the improved drainage to the Reserve results in no risk of flooding, it is unclear to me why given the Council had in its possession all reports, yet funding was directed to this development, as opposed to addressing "pending risk" to landowner property?.

Picture 1



² [Kicking goals at Pleasant Street Reserve | City of Ballarat](#)

³ [Ballarat_C217ball_sboMap27_Exhibition.pdf](#)

Councils' advice

8. I do not accept the council's advice in the FAQ⁴ that:

FAQ	Council response
1. Will the flood overlays impact the value of my property?	The property market determines the value of any residential property. Property owners should seek their own valuation advice if they are concerned that flood risk may influence their property value.
2. Will the flood overlays impact my insurance?	The insurance industry has developed its own database of flood risk for individual properties, the National Flood Information Database (NFID), which has regard for both depth and frequency of flooding. This national flood database is based on the most up-to-date flood studies, rather than flood overlays.

- j) On Q 1 the council provides "broad advice". The response does not address the question. I suggest it is not appropriate for Council to direct the property owner to seek their own advice, I ask that the Council seek advice from the Valuer General Victoria (VGV) who determined property value (of which the Council base their rates on) and publish a comparative property value (modelled) should an overlay be implemented.
- k) Further, literature would indicate that if all properties around an area are published as at risk of flooding, then prices of those homes will be negatively impacted resulting in the mean average price (market price) being reduced, I seek the Council ultimately provide transparent advice on that question.
- l) On Q2 literature would indicate that insurance will increase, if you are residing in an area prone to or reported as prone to floods. This is a serious matter for property owners as already insurance agencies seek to not insure (or charge high premiums) for flood prone areas.
- m) Further, I note that the Council could choose to provide a more transparent answer to the question, as it is unclear why the council cannot state the negative impact on prices, yet on your website under "Nature Strip Garden Guide"⁵ it is published that (in respect of a Nature Strip Garden) "Qu: Does it improve property value?" to which the Council respond "Yes- well maintained gardens often enhance curb appeal" and further under economic benefits notes "improve property values". So I am curious as to why the council can't be clearer in their response to whether publishing a

⁴ [Frequently Asked Questions | Flood Planning: Ballarat Planning Scheme Amendment C217ball | MySay Ballarat \(Logged in\)](#)

⁵ [Nature Strip Guidelines | MySay Ballarat \(Logged in\)](#)

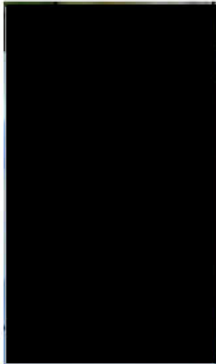
report that a property is at risk of a flood would likely negatively impact on property value.

Specific Property Mapping

9) Having viewed the mapping [REDACTED] it is identified that:

- At least 25% of the property is not identified at risk
- Of the remaining 75% of the property, it is reportedly at risk of only <0.1m (10 cm) flood depth⁶ Picture 2

Picture 2



- Less than 50% of the property is proposed to be subject to SB01⁷. Picture 3

Picture 3



Summary:

I object to the **Ballarat Planning Scheme Amendment C217ball**. Based on:

1. Property characteristic of [REDACTED] as identified in the mapping exercise.
2. Sufficiency of the current Heritage Precinct overlay including Building regulations that preserve the property.
3. Negative impacts that include reduced property prices, increased insurance, and increase in costs to build/remodel existing properties.
4. No tangible plan being provided by Council to address assumed risk of flooding via upgrades to our waterways resulting in the property owner now being made responsible for infrastructure issues that are the Councils responsibility.

⁶ [Ballarat 11 Waterways Flood Mapping](#)

⁷ [Ballarat_C217ball_sboMap27_Exhibition.pdf](#)

5. Concern that the restrictive measure being proposed by the amendment have been brought about by past Council planning approvals and decisions that did not give regards to preservation of infrastructure to established properties for which property owners should not be held responsible for resolution via property restrictions.

I would urge the Council to seek to address assumed flooding risks via less negative impacts to existing property owners that the proposed overlays would create.

I would appreciate a response to my objection and questions in writing.

[REDACTED]
[REDACTED]
[REDACTED]