



SUBMISSION ON BEHALF OF THE VICTORIA RACING CLUB AND MR DALE MONTEITH TO THE LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE INQUIRY INTO THE 2022 FLOOD EVENT IN VICTORIA (“FLOOD INQUIRY”)

5 June 2023

1 INTRODUCTION

- 1.1 The Victoria Racing Club Limited (**VRC**) and Mr Dale Monteith are pleased to have the opportunity to provide a submission to the Flood Inquiry and to assist the Legislative Council Environment and Planning Committee (**Committee**) with the important work that it is undertaking.
- 1.2 The contents of this submission have been drawn from information within the knowledge of members of the current board and staff of the VRC, Mr Monteith’s historical knowledge, and enquiries made to date. It responds to relevant aspects of the Flood Inquiry terms of reference, and paragraphs 6(g) and 7 in particular.
- 1.3 On 17 March 2023, the VRC provided a submission to the Maribyrnong River Flood Review conducted by Melbourne Water (**Melbourne Water Review**). Given that there are a number of issues being considered by the Flood Inquiry that are also raised by the terms of reference for the Melbourne Water Review, much of this submission provides identical information as the VRC’s submission to the Melbourne Water Review. For ease of reading, these paragraphs have been adopted in their entirety in this submission and referenced accordingly.¹

2 BACKGROUND²

- 2.1 The VRC was founded in 1864 and registered in Victoria as a non-profit unlisted public company limited by guarantee on 10 April 2006. The VRC is a sports club operating in Australia and has members globally.
- 2.2 An overview of VRC’s strategy and business operations is at **Annexure 2** of this submission, which is an extract of pages 12-17 of the VRC’s 2022 Annual Report. Surplus funds generated as a result of the VRC’s business activities are invested in VRC’s strategy and business operations.
- 2.3 The VRC is headquartered at Flemington Racecourse (**Racecourse**) which is located seven kilometres from the Melbourne CBD and occupies 320 acres.³ The Racecourse has four grandstands, ten training tracks, 18 resident trainers, an equine swimming pool and facilities for 600 horses in training. Annually, the VRC hosts around 500,000 racegoers across 25 race days at the Racecourse with 250,000 to 300,000 people

¹ This information has been identified in this submission with footnotes identifying the relevant paragraphs from the VRC’s Submission to the Melbourne Water Review.

² Paragraphs [2.1]-[2.6] in this Section appeared in the VRC Submission to the Melbourne Water Review at paragraphs [2.1]-[2.6]. References to source material in the VRC’s Melbourne Water Review Submission that appear in those paragraphs have been retained.

³ The Racecourse is largely located on Crown land which is occupied by the VRC.



attending the four-day Melbourne Cup Carnival, held in November annually. The Racecourse is operated 24 hours daily throughout 365 days a year.

2.4 The VRC is governed by a board of directors elected by its members. Current directors of the VRC's board are:

- (i) Neil Wilson (Chairman) (20 November 2020 – present);
- (ii) Michael Ramsden (Vice-Chairman) (21 December 2012 – present);
- (iii) Glenn Carmody (Honorary Treasurer) (27 October 2017 – present);
- (iv) Sophie O'Kane (18 December 2015 – present);
- (v) Neil Werrett (20 April 2018 – present);
- (vi) David Barham (26 June 2020 – present);
- (vii) Vincent Cox (26 June 2020 – present);
- (viii) Michael Saadie (26 June 2020 – present);
- (ix) Allison Purdey (28 October 2022 – present);
- (x) Ann Peacock (14 December 2022 – present); and
- (xi) Steven Rosich (Chief Executive Officer) (11 November 2020 – present).

The VRC Company Secretary is Nadia Angelo (27 August 2021 – present). Mr Monteith was the VRC's Chief Executive Officer from 2000 to 2012.

2.5 At the time of writing this submission, the VRC has approximately 33,000 members and permanently employs 230 staff. An additional 650 casual staff members are employed on a Melbourne Cup Carnival race day.

2.6 The VRC works in cooperation with the Victorian Government, the Minister for Racing and the Minister for Tourism, Sport, and Major Events as both the racing industry and Melbourne Cup Carnival are major contributors to the Victorian economy. Despite attendance being capped due to COVID-19, the 2021 Melbourne Cup Carnival contributed \$341 million in gross economic benefit to the Victorian economy. The 2022 Melbourne Cup Carnival contributed \$422.1 million in gross economic benefit to the Victorian economy.

3 THE FLEMINGTON RACECOURSE FLOODWALL DESIGN

3.1 Between 2002 and 2003, the VRC, in consultation with relevant State Government Departments and Agencies, including the then Department of Sustainability and Environment (the **Department**) and Melbourne Water, undertook feasibility and planning work to develop a Masterplan for redevelopment of the Racecourse.⁴

3.2 The Masterplan consisted of a suite of projects designed to modernise the Racecourse. It encompassed the development of numerous projects, including the construction of:

⁴ VRC's Submission to the Melbourne Water Review, [3.1].



vehicular and horse tunnels, internal roads, entrances and realignments, a stable development and a new horse swimming pool.

- 3.3 The Masterplan included the development of a bund wall (**Floodwall**) spanning the southern edge of the Racecourse. Between 1974 and 2003, the Maribyrnong River broke its banks eight times,⁵ with the Racecourse last having flooded in 1974. At the time that the Masterplan was developed, the VRC was concerned that if the Racecourse flooded again and the Spring Racing Carnival was cancelled, the loss to the VRC and the Victorian economy would be significant.
- 3.4 The Floodwall was subsequently designed with a view to protecting the Racecourse and associated facilities, including the training facilities and stables for approximately 600 horses, from flooding levels up to the 100-year Average Recurrence Interval (**ARI**) for floods.⁶
- 3.5 In or around May 2002, the VRC instructed architect David Maughan to coordinate the investigation of the construction of the Floodwall. Also in or around May 2002, the VRC engaged GHD Pty Ltd (**GHD**) (formerly Egis Consulting Engineers) as the engineers responsible for the Floodwall plans including managing flood risk and impacts of the Floodwall.⁷
- 3.6 The VRC engaged Young Consulting Engineers Pty Ltd (**Young Consulting Engineers**) as its representative for the planning process of the racetrack refurbishment, drainage and design of the Floodwall.
- 3.7 On 25 March 2003, Young Consulting Engineers applied to the Department for a planning permit (**Application 2003/86**) on behalf of the VRC to carry out “racecourse track upgrade and flood protection works at Flemington Racecourse” (**Works**). This Application was one of a number of planning permit applications made in connection with the Masterplan, although it is the only application relevant to the construction of the Floodwall.
- 3.8 On or around 1 April 2003, GHD prepared the *Flemington Racecourse Flood Protection Investigation of Maribyrnong River Flood Protection – Draft Report* (**Draft Report**) (a copy of the Draft Report and Figure 1.1 and Appendix A are at **Annexure 3** to this submission).
- 3.9 On 30 April 2003, Dr Robert Keller, at the request of GHD, completed his review of the Draft Report. Dr Keller’s comments about the Draft Report were provided to Melbourne Water (a copy of his comments are at Appendix D to **Annexure 4** of this submission).
- 3.10 In May 2003, GHD issued the *Flemington Racecourse Flood Protection Investigation of Maribyrnong River Flood Protection – Final Report* (**Final Report**) (a copy of the Final Report is at **Annexure 4** to this submission).

⁵ VRC’s Submission to the Melbourne Water Review, [3.1].

⁶ VRC’s Submission to the Melbourne Water Review, [3.2].

⁷ The substance of paragraphs [3.5]- [3.13] of this submission appear in paragraphs [3.3]-[3.11] of the VRC’s Submission to the Melbourne Water Review.



- 3.11 On or around June 2003, Environmental Resources Management Australia were appointed by the VRC as its town planners and landscape designers for the Floodwall project.
- 3.12 On 25 June 2003, the Masterplan was announced by the VRC. The objective of the Masterplan was to maintain the VRC's position at the forefront of the racing world. Stage One of the Masterplan incorporated references to measures to ensure the annual running of the Melbourne Cup would not be affected by the occurrence of one in 100 year ARI floods.
- 3.13 The Masterplan was made available to the public on the VRC website and there was capacity for questions to be submitted to allow the VRC to answer direct enquiries from interested parties.⁸
- 3.14 The VRC engaged in community consultation processes over a six month period from June 2003. This included community meetings, as well as one on one discussions between the VRC and the Cities of Melbourne, Moonee Valley and Maribyrnong. For example, on 15 July 2003 the VRC held a public information meeting concerning five planning permit applications relevant to the Masterplan, including Application 2003/86. Invitations to the public information meeting were sent to the 423 properties adjoining the Maribyrnong River in the City of Maribyrnong.
- 3.15 On 19 September 2003, Melbourne Water provided in-principle support for the Department to issue a planning permit for Application 2003/86, subject to 40 conditions.⁹
- 3.16 On 5 February 2004, the then Minister for Planning, Ms Mary Delahunty, issued a notice of decision to grant a permit in respect of Application 2003/86. An appeal to the Victorian Civil and Administrative Tribunal from the Minister's decision was subsequently initiated by objecting local councils and in around April 2004, the Minister exercised her power under clause 58 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998* to call-in the appeal.
- 3.17 Subsequently, on 3 August 2004, the Minister issued planning permit 2003/86 to complete the Works. 49 conditions were attached to the Permit (**Permit Conditions**).
- 3.18 The Minister for Planning endorsed a number of different plans under the Permit. The VRC assumes that the Committee has or will obtain the full set of endorsed plans from the Department and so to avoid unnecessary duplication has not provided them in conjunction with this submission.
- 3.19 In around late August 2004, the VRC engaged PPM Group to provide project management services in connection with the Works.
- 3.20 In December 2005, following a competitive tender process, the VRC appointed Akron Roads Pty Ltd (**Akron**) to undertake the flood mitigation works, including the compensating works required as a condition of the planning permit.

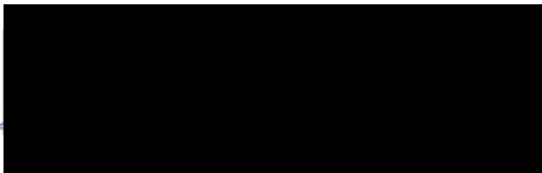
⁸ VRC's Submission to the Melbourne Water Review, [3.11].

⁹ The substance of paragraphs [3.15]- [3.20] of this submission appear in paragraphs [3.13]-[3.18] of the VRC's Submission to the Melbourne Water Review.



- 3.21 The compensating works comprised works to the Footscray Road Bridge Abutment and the lowering of a roadway on land at that time owned by the Temple of Heavenly Queen Association. The works are described in more detail in chapter 5 of the Final Report.
- 3.22 The compensating works were completed in 2006 and compliance with condition 17 of the Permit was obtained on 1 March 2006.
- 3.23 Compliance with the remaining non-ongoing Permit Conditions was subsequently obtained, with the Department providing final confirmation of this in a letter to VRC dated 17 March 2008 (a copy of this letter is at **Annexure 5** to this submission). More detailed information as to the compliance with each of the Permit Conditions is set out in **Annexure 1** to this submission.¹⁰
- 3.24 Construction of the Floodwall began in 2007. To the best of the knowledge of current board members and employees of the VRC and Mr Monteith, the mitigation works were completed to the required standard.
- 3.25 In around September 2007, the construction of the Floodwall was substantially completed.¹¹
- 3.26 On 21 January 2009, GHD advised Akron of formal acceptance of the works under the Flemington Flood Wall Project and the site was handed over to the VRC.¹²

We look forward to hearing the outcome of the Flood Review.



Steve Rosich | Chief Executive Officer | Victoria Racing Club Limited

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¹⁰ VRC's Submission to the Melbourne Water Review, [3.19].

¹¹ VRC's Submission to the Melbourne Water Review, [3.21].

¹² VRC's Submission to the Melbourne Water Review, [3.22].



List of Annexures:

- 1 Table of Planning Permit Conditions for Permit 2003/86
- 2 Extract of VRC's 2022 Annual Report, pages 12 to 17
- 3 GHD Draft Report, Flemington Racecourse Flood Protection – Investigation of Maribyrnong River Flood Protection, March 2003, including Figure 1.1 and Appendix A
- 4 GHD Final Report, Flemington Racecourse Flood Protection – Investigation of Maribyrnong River Flood Protection, May 2003
- 5 Letter from J Phillips (Department of Planning and Community Development) to P Dorman (Project Planning Management Pty Ltd), regarding Planning Permit No. 2003/86, 17 March 2006



Annexure 1 – Table of Planning Permit Conditions for Permit 2003/86

Planning Permit 2003/86			
No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 1	<p>Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the submitted plans titled '<i>Flemington Racecourse Flood Wall Concept LS1-LS5</i>' but modified to show:</p> <ul style="list-style-type: none">a) Design detail of the variety of fencing structures (including floodwall/gabion wall and security fence) including front and rear elevations of the entire fence, sections and the exact height of the fence at a scale of 1:200.b) Maximum height of the fencing structure reduced to 3.5 metres.c) Design detail and location of signage (including floodwall) proposed on the concrete wall, at a scale of 1:50.d) Detailed plan and section of the land between the floodwall and the bank of the Maribyrnong River, detailing the location of the pedestrian track.e) Details of external lighting, if proposed.	Yes	Yes – 20 December 2005
Condition 2	<p>The works as shown on the endorsed plans must not be altered without the written consent of the responsible authority.</p>	No - ongoing	



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 3	The amended plans, when approved to the satisfaction of the Responsible Authority, shall form part of the permit and must not be altered or modified in any way without the written consent of the Responsible Authority.	No - ongoing	
Condition 4	<p>Prior to the commencement of all flood protection works (including racecourse upgrade and flood wall) and mitigation works, the Victoria Racing Club (VRC) (or its successor) as the user of the subject land must enter into a legally binding agreement with the Responsible Authority requiring:</p> <ul style="list-style-type: none">a) Agreement to be reached with the Society Temple of the Heavenly Queen Association (land owners of the Northern Railway embankment) and Vic Roads (owner of the Footscray Road Bridge) regarding the proposed mitigation works outlined in the GHD report 'Flemington Racecourse Flood Protection' dated May 2003;b) Mitigation works to be completed to the satisfaction of Melbourne Water and the Responsible Authority before any flood protection works commence;c) Mitigation works to be carried at the Northern Railway embankment and the Footscray Road Bridge to the satisfaction of Melbourne Water and the Responsible Authority. <p>The VRC must pay all of the Responsible Authority's legal costs and expenses in the preparation, execution and registration on title of this agreement.</p>	Yes	Yes – 19 August 2005



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 5	Prior to the commencement of the works, a scheme for landscape and planting showing all reduced levels (RL's) in connection with the proposed works must be submitted for the approval of the Responsible authority after consultation with the City of Melbourne and must be implemented immediately after the completion of the floodwall, or as otherwise may be agreed with the Responsible Authority. The areas concerned must be subsequently maintained to the satisfaction of the Responsible Authority.	Yes	Yes - 20 December 2005
Condition 6	Appropriate mitigation works must be undertaken along the Maribyrnong River flood plain to the satisfaction of Melbourne Water	No	
Condition 7	The cost of mitigation works to the Footscray Road Bridge and the Northern Railway shall be met entirely by the Victoria Racing Club and be undertaken to the satisfaction and at no cost to Vic Roads, Melbourne Water and the Responsible Authority	No	
Condition 8	a) Prior to the commencement of any works, including demolition, a detailed Construction Management Plan with the objective of minimising the impact of works associated with the Maribyrnong River pedestrian walking track and protection of existing native vegetation during construction must be submitted to and approved by the Responsible Authority after consultation with the City of Melbourne and the City of Maribyrnong.	Yes	Yes – 31 March 2006



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
	b) All development must be carried out in accordance with the Construction Management Plan.		
Condition 9	An annual survey of the apex level of the floodwall as compared with the design level to ensure that the apex level is not higher than the designed, must be submitted to the satisfaction of the Melbourne Water on an annual basis.	No - Ongoing	
Condition 10	Compensating works must be designed and constructed to offset any increase to Maribyrnong River flood levels for the 100-year ARI event, caused by works at Flemington Racecourse. A Design Certification Statement, signed by a suitably qualified hydraulic engineer, must accompany the design plans.	Yes	Yes - 20 December 2005
Condition 11	Unless otherwise agreed in writing by Melbourne Water, compensating works must be completed before starting works to erect the floodwall at Flemington Racecourse. This excludes site preparation, excavation and footings below existing ground level.	No	
Condition 12	Compensating works to any existing structures must be designed by a suitably qualified structural engineer and constructed to maintain structural integrity. A Design Certification Statement, signed by the suitably qualified structural engineer, must accompany the design plans	Yes	Yes - 20 December 2005



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 13	Before starting compensating works, evidence of agreement with landowners and/or authorities (if land or structure in public ownership) where compensating works are proposed, must be supplied to Melbourne Water and the Responsible Authority	Yes	Yes – 19 August 2005
Condition 14	Before starting compensating works, detailed design plans must be submitted to Melbourne Water and the Responsible Authority	Yes	Yes – 19 August 2005
Condition 15	Before starting compensating works, a Construction Site Management Plan (Compensating Works) must be to the satisfaction of Melbourne Water and the Responsible Authority. The plan must identify specific pollution and sediment control measures to be used and maintained, during the construction period, to mitigate runoff impacts upon the Maribyrnong River.	Yes	Yes – 19 August 2005
Condition 16	A suitably qualified practitioner must certify the Construction Site Management Plan (Compensating Works).	Yes	Yes - 20 December 2005
Condition 17	Before starting floodwall works at Flemington Racecourse, the following information regarding compensating works must be submitted to Melbourne Water and the Responsible Authority, for any:	Yes	Yes – for 17(a), obtained on 20 December 2005



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
	<ul style="list-style-type: none"> a) Works to structures - Construction Certification Statement, signed by a suitably qualified structural and hydraulic engineers, indicating that works have been completed in accordance with design. b) Changes to land levels - A Constructed Survey Level Plan, signed by a licensed land surveyor, with a statement indicating that any alterations to existing levels have been completed in accordance with design. 		For 17(b), obtained on 1 March 2006
Condition 18	<p>Before starting floodwall works, detailed design plans of the floodwall must be to the satisfaction of Melbourne Water and the Responsible Authority. A Design Certification Statement, signed by a suitably qualified hydraulic engineer, must accompany the design plans. The plans must provide for:</p> <ul style="list-style-type: none"> a) Controlled over-topping of flood flows, to minimise on-site flood risks, for events greater than the 100- year ARI event. b) A floodwall apex level that provides an agreed freeboard margin above the 100-year ARI flood level. 	Yes	Yes - 20 December 2005
Condition 19	<p>Before starting floodwall works a geotechnical investigation of long-term vertical settlement must be completed by a qualified geotechnical engineer and submitted to Melbourne Water and the Responsible Authority</p>	Yes	Yes - 20 December 2005
Condition 20	<p>Before starting floodwall works, structural design details (including computations) must be submitted to Melbourne Water and the Responsible Authority. The details must show that the floodwall will:</p>	Yes	Yes - 20 December 2005



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
	<ul style="list-style-type: none"> a) Meet the physical details and design parameters adopted in hydraulic modelling done by GHD Pty Ltd. b) Have an apex level that compensates for any long-term vertical settlement. c) Withstand Maribyrnong River flood forces (including debris impacts) and over-topping of flood flows. d) Be an impervious barrier to Maribyrnong River flood flows, for any event up to and including the 100- year ARI event. e) Integrate with any new vehicle connection (such as proposed at Smithfield Road), which intersects the floodwall's alignment, to achieve a continuous apex that is consistent with condition 9 above. <p>A Design Certification Statement signed by a suitably qualified structural engineer must accompany the structural design details</p>		
Condition 21	<p>Before starting works a Floodwall Design Alignment Plan must be to the satisfaction of Melbourne Water and the Responsible Authority. The plan must dimension the location of the floodwall with respect nearby features that include, but not limited to, the following:</p> <ul style="list-style-type: none"> a) The eastern bank of the Maribyrnong River. b) The northern side of Smithfield Road. 	Yes	Yes - 20 December 2005



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
	The plan must accompany a statement from a hydraulic design engineer to confirm that the floodwall's design alignment and roughness corresponds to that used in flood modelling done by GHD Pty Ltd		
Condition 22	When floodwall works are finished the following must be submitted to Melbourne Water and the Responsible Authority to show the flood wall has been constructed in accordance to design plans: a) Floodwall As-Constructed Plan showing the floodwall's alignment and apex (reduced to AHD) signed by a licensed land surveyor. b) Construction Certification Statement signed by a suitably qualified structural and hydraulic engineers.	Yes	Yes – 2 January 2008
Condition 23	Before starting floodwall works, a Floodwall Maintenance Acceptance Statement must be submitted to Melbourne Water and the Responsible Authority. The statement must indicate that the racecourse owner (or their delegate) accepts full responsibility for the on-going care and maintenance of the floodwall	Yes	Yes - 20 December 2005
Condition 24	Before finishing floodwall works, a Floodwall Maintenance Plan must be submitted to Melbourne Water and the Responsible Authority. The plan must outline actions, carried out by and to the satisfaction of a suitably qualified structural engineer, to facilitate the ongoing care and maintenance of the flood wall.	Yes	Yes – 2 January 2008



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 25	The Flood wall Maintenance Plan must provide for inspections and maintenance on behalf of the racecourse owner (or their delegate), from within the racecourse, when Maribyrnong River flood-flow affects the floodwall	Covered by condition 24.	
Condition 26	Before starting floodwall works a separate application, direct to Melbourne Water, must be made for any new or modified stormwater outlets to the Maribyrnong River.	Yes	Yes - 20 December 2005
Condition 27	Before starting floodwall works, detailed design plans of all new and existing stormwater outlets must be to Melbourne Water's satisfaction. Plans must include detailed design of floodgates	Yes	Yes - 20 December 2005
Condition 28	Before starting floodwall works, a Stormwater Outlet Maintenance Acceptance Statement must be submitted to Melbourne Water and the Responsible Authority. The statement must indicate that the racecourse owner (or their delegate) accepts full responsibility for the ongoing care and maintenance of outlets and any floodgates	Yes	Yes - 20 December 2005
Condition 29	Before finishing floodwall works. Stormwater Outlet Maintenance Plan must be submitted to Melbourne Water and the Responsible Authority. The plan must be prepared by a suitably qualified engineer to describe actions to facilitate the ongoing care and maintenance of outlets and any floodgates	Yes	Yes - 2 January 2008



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 30	All stormwater outlets to the Maribyrnong River must be maintained by the racecourse owner (or their delegate) to the satisfaction of Melbourne Water.	No - Ongoing requirement	
Condition 31	<p>Before finishing floodwall works, the site's Emergency Flood Response Plan must be reviewed to the satisfaction of a suitably qualified risk management practitioner. The plan must include actions to manage flood risks for any flood event where the floodwall is:</p> <ul style="list-style-type: none"> a) A barrier to Maribyrnong River flood flows entering the site. b) Over-topped by Maribyrnong River flood flows. <p>Copies of the plan must be submitted to Melbourne Water, the Responsible Authority and the City of Melbourne.</p>	Yes	Yes – 14 January 2008
Condition 32	The Emergency Flood Response Plan must be reviewed to include actions that manage flood risks for racecourse activities within the waterway linear park	Yes	Yes – 28 February 2008
Condition 33	No pollution or sediment-laden runoff shall be discharged to the Maribyrnong River	No – Ongoing requirement	



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 34	Before starting works at Flemington Racecourse, a Construction Site Management Plan (Racecourse Works) must be provided to Melbourne Water's satisfaction. The plan must identify specific pollution and sediment s control measures to be used and maintained, during the construction period, to mitigate runoff impacts upon the Maribyrnong River	Yes	Yes – 16 February 2006
Condition 35	A suitably qualified practitioner must certify the Construction Site Management Plan (Racecourse Works).	Yes	Yes - 28 February 2008
Condition 36	Before starting works at Flemington Racecourse, a Stormwater Quality Management Strategy must be to the satisfaction of Melbourne Water and the Responsible Authority	Yes	Yes - 20 December 2005
Condition 37	The Stormwater Quality Management Strategy must provide for the design and construction of permanent stormwater quality works that meet the receiving water quality objectives outlined in State Environmental Protection Policy (Waters of Victoria).	Yes	Yes - 20 December 2005
Condition 38	Before finishing floodwall works at Flemington Racecourse, a Stormwater Quality Maintenance Plan must be provided to Melbourne Water's satisfaction.	Yes	Yes - 2 January 2008



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 39	The Stormwater Quality Maintenance Plan must outline actions, done on behalf of the racecourse owner, to facilitate the ongoing care and maintenance of all permanent stormwater quality works.	Covered by condition 38	
Condition 40	When all stormwater quality works are finished at Flemington Racecourse, a Construction Certification Statement must be submitted to Melbourne Water indicating works have been constructed in accordance to design. A suitably qualified practitioner must sign the statement	Yes	Yes - 2 January 2008
Condition 41	When all earthworks works are finished at Flemington Racecourse, a Site Survey Level Plan must be submitted to Melbourne Water and the Responsible Authority, showing all finished surface levels affected by the works. The plan must show levels reduced to AHD and signed by a licensed land surveyor.	Yes	Yes – 16 January 2009
Condition 42	Before starting landscape works, a Floodwall Landscape Report must be to the satisfaction of Melbourne Water and the Responsible Authority. The report must provide for the selection and siting of vegetation that does not affect the ongoing function and structural integrity of the floodwall (including berm).	Yes	Yes – 2 March 2007
Condition 43	Before starting landscape works, a qualified structural engineer and landscape designer must certify that landscaping identified within the Floodwall Landscape	Yes	Yes - 28 February 2008



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
	Report will not affect the ongoing structural integrity of the flood wall (including berm).		
Condition 44	<p>Before starting landscape works, Detailed Landscape Plans must be submitted to the satisfaction of Melbourne Water and the Responsible Authority. The plans must provide for:</p> <ul style="list-style-type: none"> a) Selection and siting of vegetation as outlined in the Floodwall Landscape Report. b) Vegetation within the river frontage area, tolerant to active flood flows and planted at a density that does not increase Maribyrnong River flood levels. c) Landscaping within the river frontage area that provides for maintenance access to the waterway. d) Any new or modified path within the river frontage area, designed in accordance with principles contained in Melbourne Water's guidelines for constructed paths. e) Landscaping within the river frontage area to soften the appearance of the waterway bank edge. 	Yes	Yes – 20 December 2005
Condition 45	The Flood wall Maintenance Plan must outline actions, undertaken on behalf of the landowner, to ensure that maintenance of landscaping identified within the Floodwall Landscape Report will not affect the floodwall's ongoing structural integrity	Yes	Yes - 2 March 2007



Planning Permit 2003/86

No.	Condition	Secondary Approval required	Secondary Approval obtained
Condition 46	<p>Before starting landscape works, a River Frontage Maintenance Plan must be to Melbourne Water's satisfaction. The plan must delineate Melbourne Water's waterway bank maintenance area from all other areas within the linear park and outline maintenance actions to provide for:</p> <ul style="list-style-type: none"> a) No increase in Maribyrnong River flood levels. b) No increase in erosion potential of floodwaters within the linear park. c) Ongoing protection of waterway bank stability. 	Yes	Yes - 2 March 2007
Condition 47	<p>Before starting landscape works, landscape plan LS3 must be amended to show a floodwall apex level as outlined in conditions 18 and 20 and consistent with any issued planning permit for vehicle connections at Smithfield Road.</p>	Yes	Covered by plans endorsed under other conditions
Condition 48	<p>Before starting landscape works, landscape plans LS4 and LS5 must be amended to reflect the siting of trees in accordance Floodwall Landscape Report.</p>	Yes	Covered by plans endorsed under other conditions
Condition 49	<p>This permit will expire if one of the following circumstances applies:</p> <ul style="list-style-type: none"> a) The development is not started within two years of the date of the permit. b) The development is not completed within four years of the date of this permit. <p>The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.</p>	No	