

Final sent to the Minister  
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RACETRACK UPGRADE AND FLOOD PROTECTION WORKS

Application No. 2003/86

SUBMISSIONS ON BEHALF OF  
MARIBYRNONG & MOONEE VALLEY CITY COUNCILS

INTRODUCTION

1. These submissions are made on behalf of Maribyrnong and Moonee Valley City Councils (**Councils**) in response to the Minister for Planning's (**Minister**) letter dated 1 April 2004.
2. This matter concerns Councils' applications to review the decision of the Minister to grant a permit for the racetrack upgrade and flood protection works at Flemington Racecourse (**proposal**).
3. By letter dated 1 April 2004, the Minister informed the Councils that their applications were to be 'called in' pursuant to section 58(2) and clause 58(2)(a) of schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*.
4. The Councils' concerns regarding the proposal are well know to the Minister. The concerns have been expressed in various correspondence to the Minister, namely:
  - letters of objection from Maribyrnong City Council dated 5 June 2003 and 22 August 2003;
  - letter of objection from Moonee Valley City Council dated 12 November 2003;

- application for review lodged on behalf of Maribyrnong City Council on 26 February 2004;
  - application for review lodged on behalf of Moonee Valley City Council on 26 February 2004; and
  - letter from the Mayors of Moonee Valley and Maribyrnong City Councils dated 21 April 2004.
5. These concerns essentially relate to:
- A. shortcomings in the hydrological modelling undertaken by GHD Pty Ltd (GHD); and
  - B. limitations and issues with the proposed floodwall design.
- A. **Hydrological Modelling**
6. The Councils remain unconvinced by the hydrological modelling relied upon and submitted by the Victorian Racing Club (VRC), namely the 'Flemington Racecourse Flood Protection Report' prepared by GHD dated May 2003 (GHD Report), that additional flooding will not occur upstream and downstream of Flemington Racecourse as a result of the proposed flood protection works.
7. The Councils have jointly commissioned WBM Oceanics Australia and Water Technology Pty Ltd to review the GHD Report.
8. Attached as Annexure A is a report from [REDACTED] the Victorian Manager of WBM Oceanics Australia and recognised expert in the field, summarising the key issues arising from the technical reviews of the GHD Report (Summary).
9. Essentially, the reviews have identified a number of shortcomings in the methodology used by GHD. This has led to the conclusion that *'the flood impacts and the benefits from the proposed mitigation measures presented in the report cannot be considered reliable'*.
10. The shortcomings noted in the Summary are:
- The uncertainties associated with the GHD approach to modelling floodplain storage cast, thereby leading to considerable doubt over the GHD findings.

- The Manning's n values adopted by GHD are approximately half of what would typically be adopted. The low Manning's n values are, in [REDACTED] professional opinion, likely to have resulted in an underestimate of the increase in flood levels.
  - The close proximity of the downstream boundary to the proposed floodwalls may have resulted in an underestimate of the increase in flood levels.
  - The potential impact of the proposed floodwalls in smaller, more frequent floods than the one-in-100 year flood event has not been investigated.
11. These are significant matters, with potentially dire consequences. [REDACTED] is a recognised expert in the area and his opinions should not be treated lightly. Before making a recommendation to the Governor in Council in the determination of this matter, the Councils submit that it is incumbent on the Minister to be fully apprised of all matters raised by Dr Jempson. This includes meeting with [REDACTED] to discuss, in detail, the issues raised in the Summary.
12. In light of the identified shortcomings of the GHD Report, it is submitted that the Minister cannot be satisfied that land surrounding Flemington Racecourse will not be further affected by increased flooding as a result of the proposed flood mitigation works unless further modelling work is undertaken.
13. Should the Minister be of the mind to recommend that a permit be issued despite the shortcomings of the GHD Report, it is submitted that at the very least, the conditions on the Notice of Decision dated 5 February 2004 should be revised to incorporate the changes recommended by [REDACTED]. In particular, a condition should be added to require the VRC to submit to Melbourne Water, 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 design level.
- B. Floodwall Design**
14. Maribyrnong City Council has engaged Rush Wright Associates (RWA) to review the floodwall design proposed by the VRC.
15. Attached as Annexure B is a copy of RWA's review.
16. RWA has identified various limitations and issues associated with the proposal and opportunities for alternative design responses.

17. In summary, RWA has highlighted three main limitations:
- The floodwall interacts poorly with the public space around the perimeter of the Flemington Racecourse. In particular, the length and height of the wall will detract from the public amenity of the Racecourse perimeter. Visual interaction between the public space and the Racecourse is prevented by the proposed floodwall.
  - The materials proposed lack diversity and will contribute to the monotony of the floodwall. The proposed materials are unlikely to maintain their structure or provide easily maintainable surfaces. The proposed chain mesh gabion structure is prone to slumping over time and graffiti cannot be removed from gabions.
  - The design fails to respond to certain site specific circumstances. Planting of new trees should be reconsidered in light of existing electrical wires. The retention of trees in the existing carpark should be reconsidered in light of the poor condition of those trees. Finally, the proposal does not sufficiently address the proposed second entry from the carpark adjacent to Smithfield Road.
18. RWA has suggested a number of ways in which some of the limitations and issues could be addressed, including:
- use of planting to mitigate the impacts of the floodwall;
  - use of earth mounding to form a flood barrier and create and define spaces along the length of the Maribyrnong River frontage; and
  - use of alternative materials.
19. In light of the limitations and issues identified by RWA, it is submitted that the VRC should be required to respond to the review comments made by RWA. The VRC's response should include any changes it proposes to make to the design of the floodwall to address the limitations and issues noted by RWA.
20. It is further submitted that the revised design process should involve input from RWA as an independent advisor. Maribyrnong City Council, Melbourne City Council, Moonee Valley City Council and affected parties (ie parties who originally

objected to the proposal) should be given the opportunity to consider and comment on the revised design before the design is finalised.

21. Should the Minister be of the mind to recommend that a permit be issued despite Councils' concerns, it is submitted that, at the very least, the Minister should have regard to the limitations, issues and opportunities identified by RWA and review the proposed permit conditions to incorporate suggestions made by RWA.
22. Moreover, it is submitted that the Minister should clarify what is intended by proposed permit condition 1(b). It is unclear whether the 'fencing structure' is a reference to the gabion/brick wall with the chain mesh fence or without the chain mesh fence.

## CONCLUSION

23. Given the shortcomings of the GHD Report, as identified by [REDACTED] it is submitted that the Minister cannot be satisfied that land surrounding Flemington Racecourse will not be further affected by increased flooding as a result of the proposed flood mitigation works unless further modelling work is undertaken.
24. In the interests of achieving an appropriate outcome for all concerned, the Councils are prepared to pay the costs of having [REDACTED] and RWA personally produce their concerns to the Minister. So concerned are the Councils about the possible repercussions of flooding, they are also prepared to contribute to the cost of any further modelling work, but such work would need to be undertaken in conjunction with Melbourne Water and the VRC.
25. In designing the floodwall, little consideration has been given to the floodwall's impact and role in the adjoining public landscape. A revision of the proposed design is required to reduce the impact of the floodwall and create a more site responsive outcome.
26. RWA has identified a number of opportunities for alternative design responses. It is submitted that these alternatives should be explored fully as part of the revision process. The Councils and affected parties should be consulted as part of the revision process.

27. Should the Minister be of the mind to recommend that a permit be issued despite Councils' concerns, it is submitted that, at the very least, the conditions should be revised to incorporate any changes recommended by [REDACTED] and RWA.

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Lawyers for Maribyrnong City Council & Moonee Valley City Council

30 April 2004

ANNEXURE A

Summary of Flood Related Issues  
prepared by [REDACTED] of WBM Oceanics Australia

Note: No records found

ANNEXURE B

Flemington Racecourse Flood Wall Design Review  
prepared by Rush Wright Associates

Note: No records found