

Mr DAVIS (Southern Metropolitan) — I move:

That pursuant to section 38 of the Planning and Environment Act 1987, amendment GC37 to the Cardinia, Casey, Glen Eira, Greater Dandenong, Kingston, Melbourne, Monash, Stonnington and Yarra planning schemes be revoked.

This is Labor's sky rail planning scheme amendment. Labor went to the state election with a policy of removing level crossings, a widely supported policy and a policy that was being implemented in part by the previous government. The outcome at Burke Road, Glen Iris, is a good example that the community can see from the previous government of a successfully implemented level crossing removal.

I do believe that Labor has a mandate to remove level crossings. It has wide community support to do so, and there are good public and policy reasons to remove level crossings, because you do get efficiencies with rail, and you do get efficiencies with road. It is interesting that at Glen Iris there has been a 20 per cent increase in road movements through that crossing since the removal of the level crossing, so there is no question of the advantages for road and for rail of removing level crossings. This motion and the Liberal Party and the National Party position — the coalition position — is not against the removal of level crossings. In fact, on the contrary, we support it. We began the process of removing level crossings.

This motion is about sky rail. It is about the Labor Party plan to remove level crossings with a plan it did not tell the community about in the state election. It did not mention sky rail before the election. There is even famously a video of Daniel Andrews doing a small movement with his hand to indicate the type of crossing removal that the government would be putting in place. Labor's Project 10 000, when read on its own, can only lead one to the conclusion that Labor intended to do rail-under-road level crossing removals.

At the same time local Labor MPs right across the metropolitan area advocated for level crossing removals, and on every occasion of which I am aware they indicated that these would be rail under road. In Oakleigh, the local area about which I propose to talk at length, Mr Dimopoulos indicated in emails to constituents in the last week before the state election that he would see rail under road undertaken in that area. I put those words on the record in this Parliament in a previous motion passed in the last week of February seeking documents but also making statements about level crossing removals and about Labor's sky rail that was supported by this chamber.

One hundred and nineteen days later we have almost nothing from the government on the documents that were promised at that point, which the chamber demanded be delivered. Indeed I think a response came yesterday which was a half-baked response on one document, which we can access on Monday after this vote, after the decision and after the government has commenced work on its sky rail option.

It is important to think about the objections that are now being raised by the government to a rail-under-road solution on the Cranbourne line, particularly in the section between Caulfield and Dandenong, with the nine level crossings to be removed there. I put on the record that the previous coalition government had struck a deal with Metro: we were intending to do four of those crossings with a rail-under-road option, and that process was proceeding. The new government came into power and it squashed that deal. It paid an undisclosed amount, known to be between \$20 million and \$30 million, to Metro for the intellectual property and the costs that Metro had gone to through the unsolicited bid process that Metro had undertaken. That is \$30 million the community will never see back again. It is an east-west link type outing — \$1.1 billion was lost in that case. In this case up to \$30 million was lost in a deal done with Metro to get it to go away and not cause trouble.

The government then went out and undertook some sort of process, an internal process, and it is my considered view that the government always intended to do a sky rail option on the Caulfield

to Dandenong section of the line. The government is now raising objections to rail-under-road solutions. It says there is a water table there and that is a problem. Well, we have large engineering and construction projects all around the world that can deal with water tables. We know that they can build large tunnels. We are talking about a metro tunnel, for goodness sake, under the Yarra. You can clearly, in an engineering and technical sense, deal with a water table — and let me give you the news: the water table was there before the election. It is no big surprise. The water table was there prior to the state election in November 2014. The water table was there. Unless it is a big revelation to the government that there is a water table, it is quite wrong.

The government is using the same argument down on the Frankston line: 'Oh, there's a water table, so we'll have to do it up high in a long-distance viaduct'. Of course, that is nonsense. We know that the engineering solutions can be found. We know that the engineering solutions are eminently achievable. It says there is a gas pipeline there. Well, I will give it the heads-up here too: Henry Bolte put the gas pipeline in. It has been there all of that time; it is no revelation. The gas pipeline was there before the state election.

Was the government intending to do the sky rail? Was it intending to do rail under road? This option can be done. I know for a fact that that pipeline will have to be replaced within the next 10 to 12 years, and this would be a perfect opportunity to strike a deal with the energy company and actually make the arrangement to move that pipeline as required. Again, moving that pipeline is eminently manageable and could be a process that would actually get a better outcome for the community.

The government says there will be time delays, and it is true that a rail-under-road solution will take somewhat longer. We are actually seeing three crossings in the Bentleigh electorate being done in southern metro, in my area, at the moment, and that is going to be a very good outcome. That is not to say that there is no challenge with that, that there is no disruption, that there is no dislocation. Of course there is when you are doing major construction and engineering works. To make omelettes you do need to break eggs. There are going to be some points of disruption — no question — but for a better long-term outcome a rail-under-road solution is the way to go. It would, over the next hundred years, deliver a much better outcome — potentially decking parts of it, potentially enabling better connections and potentially ensuring that noise, diesel and other aspects that I will say more about in a moment are dealt with in a better and proper way in the long term.

Commuter impact: would it be the case that if you did a rail-under-road option and it took somewhat longer to complete it would impact on commuters? Yes, that is right; absolutely true. The same is occurring in those three level crossings in Bentleigh at the moment. There is disruption. Mr Dalidakis is very aware of this. All of the southern metro MPs are very aware of that disruption. There is no question that disruption is a part of any major project, but if you want the best long-term outcome, a rail-under-road solution should be the one that we are focusing on.

I am conscious of the time period here. I am not seeking to use more time than I ought to use on this. I want to get some key points on the record and make the case. Again, this is not a subject that the chamber and the community is now unfamiliar with. I want to point to some of the process failures here in terms of consultation by this government. The government began consulting with people — and I use the word 'consulting' very, very loosely at this point — along the Caulfield to Dandenong line late last year, and in doing so it did not mention its sky rail option. It gave people an option of removing level crossings, and everyone is in favour of removing level crossings, but it did not — I repeat, did not — offer a sky rail option to them through that period.

After the story broke in January, after the government announced its decision in the first week of February, it did massive consultation — or should I say that 'information sessions' would be a better term? — but those sessions did not offer genuine consultation either. It offered people the option at that point of a sky rail or no level crossing removal. The only thing that was not offered at that point was a rail-under-road solution. It went out with extensive telephone survey work, and I have listened to some of those surveys. I have actually heard the recordings from them, so this is speaking very directly from documentary evidence: it did not offer a rail-under-road solution. It offered a level crossing removal, which equals sky rail in Labor's view, or no level crossing removal. People said, 'No, we want a level crossing — —

Mr Dalidakis interjected.

Mr DAVIS — They did. That is absolutely what was offered. That is absolutely what is offered on those sounds, and I have heard them and I know that to be the fact.

Mr Dalidakis — You're misleading.

Mr DAVIS — No, I'm not misleading. I have actually heard them myself. You may not have heard them. But the point is there is no fair consultation that has occurred. The telephone polling and the individual surveying did not use a fair set of questions, and the business questions were not fair questions either. Key people along and close to the line were excluded, and they were told this by the survey people: 'You are not allowed to be surveyed because you are too close to the line and you have self-interest involved'.

Well, of course they have got self-interest — goodness gracious! People who are going to be massively impacted by this should have been amongst those who were surveyed and should not have been excluded from the government's survey.

On the sound studies, it is very clear that Parsons Brinckerhoff's sound studies were not independent studies, and it is not actually doing baseline measurements and has not done this in a proper way. These are people associated with the tender group who are doing their own studies; they are not having independent sound studies and noise studies done. These are not worth the paper they are written on, and the studies regarded reductions in noise as the level crossings being removed so the trains will no longer toot there. Let me give you the tip: the trains will no longer toot when the level crossings are removed whether it is rail under road or whether it is sky rail. You will get some of those advantages in any event. You have got to read this document, and it is a comedy. It is a circus. It is a complete joke and not worth the paper it is written on.

Why is there no environment effects statement (EES) on this enormous project? Why is there no EES on this \$1.6 billion project? This is an absolute travesty. The community knows that an environment effects statement ought to have been undertaken, and the most cursory reading of the Environment Effects Act 1978 and the guidelines published indicates that there should be an environment effects statement. Page 7 of those guidelines includes under the heading 'Referral criteria: individual potential environmental effects':

potential extensive or major effects on the health, safety or wellbeing of a human community, due to emissions to air or water or chemical hazards or displacement of residences

The government is now offering voluntary packages to people. They will be displaced in some cases. There is no question that they will be displaced. That trigger is met, as is the trigger 'emissions to air', with diesel released high in the air.

Under the heading 'Referral criteria: a combination of potential environmental effects' the guidelines include:

potential extensive or major effects on social or economic wellbeing due to direct or indirect displacement of non-residential land use activities

Absolutely there is going to be massive change through these areas, and that should be triggered. Additional criteria include:

potential for extensive displacement of residences or severance of residential access to community resources due to infrastructure development

potential significant effects on the amenity of a substantial number of residents, due to extensive or major, long-term changes in visual, noise and traffic conditions

My goodness! The government is going to build something 50 feet in the air that goes for nearly 9 kilometres, a massive concrete structure, and it does not reckon there is a visual impact. It is a circus. This is the minister's own guidelines on environmental effects. This should have had a full environment effects study. How can you proceed without an environment effects study of that nature? It is appalling.

The criteria go on:

potential exposure of a human community to severe or chronic health or safety hazards over the short or long term, due to emissions to air or water or noise or chemical hazards or associated transport ...

That is also a trigger that would be met by this, so on the minister's own guidelines there should have been an environment effects statement. I must say one of the most disappointing aspects of this is that Richard Wynne, the Minister for Planning, who I think in himself is a very decent person, ought to have triggered a full environment effects statement and done the right thing by the community and the whole of Victoria. I think he has failed, and this will be an epitaph for him. In his political career he will be seen as a person who fudged at the wrong time and did not do the right thing under the Environment Effects Act, which he administers.

The chief health officer also has a role here, and the chief health officer has not yet discharged that role. I have written directly to the chief health officer about a number of key issues, including diesel, including sound, and it is my view that the chief health officer has the powers under the Public Health and Wellbeing Act 2008 to order an investigation and to order a series of processes. These things have not been done. I have received no reply from the chief health officer, and proper processes ought to be undertaken under the health and wellbeing act.

GC37 should have environment management plans attached to it. Really? I mean, honestly! We are seeing trees chopped down. There is no environment management plan to speak of. This is a joke. It is a circus. It is a comedy, but it is a tragic comedy. You just have to go down that railway line; a massive peppercorn tree was chopped down on the weekend, and whole strands of trees have been ripped out without advice to the community or to the council. Trespassing by the Level Crossing Removal Authority (LXRA) on council property, trespassing by the LXRA on private property repeatedly and no action by the City of Glen Eira when it ought to have taken action.

I have written to the Minister for Public Transport. She has gone quiet since I came back to her with documentary evidence. She went dead quiet after the documentary evidence was sent to her. She has responsibilities to pull the cowboys at the LXRA into line, and she has not done so. But she ought to do so. I do not believe any management plan put in place by this government is worth the paper it is written on, because it is not honouring basic rules. It is not honouring the law on repeated occasions. I do not believe that the LXRA can be trusted on any of this and Minister Allan is not prepared to pull it into line. That is a travesty.

There is no business case, and we have seen the Auditor-General in recent weeks table a report in Parliament indicating there is no business case. Let us be very clear on this: he has actually said there is risk.

Mr Dalidakis — I'll speak for as long as you do.

Mr DAVIS — That is all right. I am not going to go that long. I want to cover the material methodically.

Let me be quite clear here: the business case ought to have been undertaken and ought to have been completed, and the Auditor-General has made the point in his report to Parliament that this is a risky way to go. The 3D modelling has not been released publicly. The government has said it will provide a viewing of it but it is not intending to release it to the community, who are the people impacted. It is not intending to release that 3D modelling it holds, which was ordered by this Parliament in the last week of February into a community zone so that people can see it and examine it.

What I can say is that people who I know have seen it in relation to their properties have been shocked. People are genuinely dumbfounded when they see the modelling and see the impact — the overshadowing, the overlooking and the massive impacts on quality of life. All of these in themselves should have triggered an environment effects statement or other proper planning processes, such as a planning panel. The government has not undertaken those processes. It should have put those processes in place. This would have been a very important way forward.

Where is the Environment Protection Authority (EPA) on this? The EPA is only belatedly getting involved now. It ought to have been involved at a much earlier point to get a better outcome.

Let me be quite clear here: GC15, the previous planning scheme amendment put in in 2014 by the former government, is a sensible planning scheme that specifically mentions rail under road and is specifically designed for a project that was rail under road — a named project that had four level crossings being removed rail under road, and that is exactly what it was for. The named project was four crossings under road, and that would have provided plenty of cover for planning activity and for construction activity of rail under road. It does not, and all of the legal advice I have seen makes it clear it would not, provide cover for a sky rail. It would absolutely not provide that cover.

GC37 specifically provides planning cover for elevated rail. It is mentioned four times in the document. It is intended to provide planning scheme cover for elevated rail. That is the major purpose of that document. There are lots of bells and whistles, transport-oriented development and other things also raising other questions, but the key point is that that planning scheme document, GC37, is designed to provide cover for a sky rail. It is the sky rail amendment. Revocation of that today will remove the government's planning cover on the sky rail. That is a bald fact.

Some people, and I particularly single out the Greens in this matter, believe that revoking this planning scheme amendment will not stop the sky rail. To one extent they are right and to one extent they are wrong. In the first extent it will stop it because the government will not have planning cover. If this revocation is carried today, will Labor try to subvert the Parliament? Has Labor done that before? Yes, it has. Would Daniel Andrews, in his current arrogant mode with the Country Fire Authority and other things, seek to subvert the Parliament's activities? Absolutely. I would not have confidence that he would not try to subvert the Parliament's view. But the community would judge him very, very harshly if this was revoked today and he sought to find a sneaky or untoward way around the removal of a planning scheme approval.

Honourable members interjecting.

Mr DAVIS — No, no. He is not able to do that straightforwardly, and it will raise a whole series of questions; right? Let us be clear about this. If he seeks to defy the Parliament and the community, he would pay a political price for that. But at the moment the removal of GC37 will remove planning cover for the sky rail. Yes, it will. The reason the Greens are squirming and twisting is that they are trying to get out of this difficult fact. They are on the horns of a dilemma. Let us be quite clear about where the Greens are on this: they actually do not want to vote this down.

Honourable members interjecting.

Mr DAVIS — Yes, absolutely; you will have to take it from me on this. The fact is you do not want to vote it down because you will appear to be against a certain rail project. That is awkward for you, I know that, but it is the right thing to do.

Where are the trees? Where is the environment effects statement? Where is the community consultation? These are the things that Greens stand for — but not in this case. They are going to sell out to Mr Woodcock, sell out to the sky rail people and sell out to the community. It is appalling, and we know what they are about — this is a sellout of the community along the Caulfield–Dandenong line. It is an absolute sellout. It is a travesty and it is disgraceful. It is absolutely disgraceful of the Greens. They have no integrity at all, no integrity whatsoever. I think this will hang around for a long time if they vote against this, because the community knows that they are wrong, the community knows that they are doing the wrong thing on this. It is absolutely appalling.

Let me be clear on a couple of concluding points. This is more than just the Caulfield–Dandenong line.

Mr Dalidakis — This is about life.

Mr DAVIS — No, no. The government wants to spread sky rail more broadly. This is about the Frankston line, where the government intends to put sky rail. This is about Toorak Road, where Jacinta Allan — at the Public Accounts and Estimates Committee and elsewhere — refuses to rule out a sky rail. This is about Grange Road, Alphington, where the government refuses to rule out a sky rail. People in those communities have the right to know what is going on. They have the right to know the truth of the matter. Nobody in Alphington wants to see a sky rail forced on them.

Nobody around the Toorak Road proposed level crossing removal wants to see a sky rail foisted upon them. And nobody along the eight level crossing proposals on the Frankston line wants to see a sky rail foisted upon them.

Mr Woodcock of Intensifying Melbourne fame and now on the government payroll effectively is a champion of sky rail, a spruiker for sky rail. I have heard him speak, and he is a very convinced spruiker for sky rail. That is what he wants. This is about the future of Melbourne. It is about the livability of Melbourne. It is about sending a clear message to the government that nobody voted for sky rail prior to the election. People were hoodwinked prior to the election. The community wanted a rail-under-road solution. I am yet to meet a person who can honestly say they thought there would be a sky rail prior to the election. I have met literally thousands of people on this issue over the last six months, and nobody has ever said to me, 'Oh, we thought we were going to get a sky rail, because the government was open and honest with us before the election'.

This is a very important motion. It will send a very clear signal to the government. It will remove the planning approval for sky rail from the government. But let me also be quite clear: if this was carried today, with the goodwill of the chamber, and then the government sought to subvert it either through the Major Transport Projects Facilitation Act 2009 or through other mechanisms, the community would judge it very, very harshly indeed.

I urge the chamber to support this. The community wants it. More than 8800 people have now signed petitions. There are another thousand on the Frankston line, but certainly on the other line there are massive numbers who have signed the petition. These are people who have their homes, their lives and their community directly impacted by Labor's proposals here.

It is time that groups in this chamber stood up for local communities, stood up for consultation, stood up for a fair process, stood up for an EES, stood up for proper studies on health and other matters, indeed stood up to actually oppose Labor's sky rail. We have never heard from the Greens that they are opposed to sky rail. Do you know why we have not heard from the Greens that they are opposed to sky rail? Because they support it. They are in favour of it, and that is the truth. That is the harsh truth.

Honourable members interjecting.

Mr DAVIS — You say you are opposed to sky rail today, and I do not believe you will.

Mr DAVIS (Southern Metropolitan) — In conclusion I ask those in the chamber with goodwill to think carefully about their vote and to look into their hearts about what is right here, because it is not right that communities should be run over in the way they are being at the moment. It is not right that a project of this scale should proceed without a proper environment effects statement, although some may say that other projects have. Well, not on this scale, not in this way and not with this hideous and intrusive model.

The key point here that has been pointed out by a number of people is that this is a project that the community did not vote for. Members of the community never had the opportunity to look at sky rail before the election. The government did not tell them about sky rail, because it is a stinker. The government did not tell them about sky rail, because they knew it would not be approved. The key point here is that this important amendment, GC37, is a very specific amendment. I do not want to mince words on this at all. I want to go to Richard Wynne's own words in his explanatory note for GC37. He says the amendment is required. The very first and prime reason that he provides is to:

Give effect to the expanded scope of the project and project area as well as the new delivery method.

The new delivery method, let us be quite clear, is sky rail. It is long-distance, elevated rail. That is the purpose of amendment GC37. That is the first and primary purpose of GC37: to deliver the expanded scope of the project and the sky rail. That is what it is about, and that is why GC37 mentions on four occasions 'elevated rail'. That is not a phrase that is mentioned at all in amendment GC15. In fact GC15 specifically mentions 'rail under road'. It specifically mentions

'trenches'. They are not mentioned in GC37, because it is not the government's intention to deliver the project with anything other than a sky rail. That is the whole purpose of the amendment, and by revoking it we remove the planning cover.

The reason Richard Wynne did this was that his legal people told him that in fact GC15 would not give the government cover for sky rail, and the reason he was told that was because it will not. It does not give it cover for sky rail, but GC37 does. Removing or revoking that removes the government's planning cover and stops the project until the government goes back and delivers what the community wants, which is rail under road.

Ms Dunn and others have suggested that the government might subvert the Parliament's intent, that it might subvert the Parliament's view. Well, this is an arrogant government, I agree, and members might well thumb their noses at the Parliament, but that does not mean we should not take a stance. It does not mean we should not send a clear message, it does not mean we should roll over like jellybacks and give into Labor's arrogant approach. It does not mean we have to be jellybacks and roll over, and that is where the Greens are. Let us be clear: this is broader than this one here.

This is important. If anyone wants to go and have a quiet read, they should read *Intensifying Melbourne* and its sections on sky rail in there. This is Mr Woodcock and his crew, and they are going to push these sky rails everywhere. This is round one. They are going to do it on the Frankston line. Jacinta Allan has gone quiet before the federal election. But the fact is sky rail is on for the Frankston line and people are going to have to stand up against it. That is what government members are doing. It is on in Alphington too. On Grange Road, Alphington, they are out consulting. The first model in Alphington that they are consulting on is a sky rail right across that area. The people of Alphington have a right to have a say, and they did not have a say before the election. There were told their level crossing would be removed, but they were not told that a sky rail was the plan.

If members read *Intensifying Melbourne*, they will see that the government wants to do these sky rails all over Melbourne, and that is where it is going. This is the first of them, and it is time people stood up. We are standing up, and I want to be clear. Toorak Road is another one, which all of the bureaucrats secretly will admit is right on track for a sky rail.

Ms Pennicuik interjected.

Mr DAVIS — Ms Pennicuik may laugh, but this is on. The Greens will never, ever say a word against sky rail. They will never say they are against sky rail, because they are in favour of it. That is the secret truth — the dirty, dirty truth. The Greens want sky rail and they want it everywhere. It is time the community knew and that the Greens were called out on it, so I am calling them on it. They will vote for sky rail today. It is atrocious and shameful, and they ought to hang their heads in shame.

No environment effects statement, no business case — the auditors called it out — and the sound studies are a travesty.

Ms Pennicuik interjected.

Mr DAVIS — Yes, and we agree, but you can stop it. You can stop it, Ms Pennicuik, and you are a travesty.

The DEPUTY PRESIDENT — Order! Through the Chair, Mr Davis.

Mr DAVIS — You can. You can. You can take — —

The DEPUTY PRESIDENT — Order!

Mr DAVIS — Mr Wynne was at least honest. He said:

Give effect to the expanded scope of the project and the project area —

wait for it —

as well as the new delivery method ...

That is sky rail. It is mentioned four times in GC37. You can turn it whichever way you like, but you are in favour of sky rail if you are not prepared to stand up.

Let us be quite clear on this too: Labor federal candidates should also stand up. At the rally on the weekend there was no Labor and there were no Greens — too scared because they support sky rail. Jason Ball —he was not there. He would not go there. He would not turn up. He would not support a community he wants to represent. He would not turn up to support that community, because he supports sky rail like every single Green does.

An honourable member interjected.

Mr DAVIS — Oh, yes, he does. No, because we know that Labor and the Greens are pro sky rail, and that is where they are going.

What about in Batman? What is Alex doing there? What is she going to do? Is she going to stand up for her community or is she going to support Mr Feeney's view that there should be a sky rail at Grange Road, Alphington? It is time the community knew what is going on.

What about down on the Frankston line? Which of those candidates down there is going to stand up and oppose sky rail? Which of them is actually going to utter the words that they are against it? The Greens are sky rail spruikers, and that is the betrayal that is going on.

I have got to say this is a very sad day that the Greens and other parties will vote against the revocation of this amendment. This motion seeks to revoke GC37, the sky rail planning amendment, by stripping that away. GC15 would remain, and that would provide cover for rail under road but not sky rail. Would the government subvert it? Given the arrogance of Mr Andrews it might try to subvert it. But that does not give an excuse to go jelly-back and weak. Really the truth of the matter is the Greens support sky rail all the way.