

13 August 2019 COUNCIL

Constituency questions

David Davis

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:59:15): My constituency question is for the Minister for Transport Infrastructure, and it concerns the Kooyong-based Toorak Road level crossing. The government on 30 July advertised for community members for the Kooyong construction liaison group. The only concern about this is that they have already started construction. They let the contract on 12 June, and hundreds of trees have been clear-felled already. You get the community liaison group to come in after you have started the construction, after you have felled the trees and after you have let the contract—bizarre. And I say that the house received a letter from the Attorney-General on 19 March offering to provide the documents that this house has already sought concerning the Toorak Road level crossing. What I ask the minister is: when will you release the documents concerning the Toorak Road level crossing that the house has demanded?

[I raised the inappropriateness of the Andrews Government's plans for a Toorak Road, Kooyong sky rail in the Legislative Council initially on 19 February - in particular the Government's lack of consultation and the illogicality of not addressing the nearby level crossings at the same time as the Toorak Road crossing is to be removed in order to minimise disruption:](#)

19 February  
2019

COUNCIL

Adjournment

David Davis

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:31:34): My matter for the adjournment tonight is for both the Premier and the Minister for Transport Infrastructure. That is somewhat unusual, but I would like to invite both of them to attend a particular occasion. A member interjected. Mr DAVIS: I cannot invite both. Maybe I can invite the Minister for Transport Infrastructure to attend, with the Premier, a meeting with council and the community in Stonnington over their plans for the Toorak Road level crossing. We know that Jacinta Allan promised there would be consultation, and we know that in fact there was no genuine consultation for this level crossing proposal. I note that the crossing removal is strongly supported by the community in the sense of wishing to see the removal of that level crossing, but the model that the government is proposing is not strongly supported by the community. A number of MPs—Mr O'Brien, the Leader of the Opposition; Ms Crozier; and me—have certainly had significant communication from our community regarding the government's proposal. They have failed to properly look at the option for removing the Tooronga Road and Glenferrie Road crossings at the same time, but particularly Glenferrie Road, and they have failed to look at the best model for the community. I think the Premier's dismissal of the mayor was arrogant, with his comment that there really was no right to have any input unless they were paying for some of the crossing. Of course this is taxpayers money that is paying for this crossing. This is taxpayers money paid by the whole community, including people in the City of Stonnington. I know Mr Hayes is nodding there too. He can see that his constituents are paying taxpayers money for this crossing removal—something that we support, but we do not support the particular model that the government is proposing. What I am seeking, very specifically, is that the Minister for Transport Infrastructure, who has responsibility for this, bring the Premier and relevant bureaucrats to meet with the City of Stonnington local community. I am offering here today to help arrange that meeting. I think it would be a meeting that would be extremely well attended, perhaps at the Kooyong tennis club, which is just proximate to the crossing—not very far at all. Certainly the feedback that I have had is that the government has not understood the response by the community. Certainly the community does feel that they should have been listened to, and the model could be improved if the government were to proceed. We know the government lied extensively on the earlier crossings— (Time expired)

[And on 20 February I successfully moved a motion calling for the document to table in the Parliament the documents relied upon in coming to the Government's decision to adopt sky rail at Toorak Road, contributing the following to the debate:](#)

20 February  
2019

COUNCIL

Motions

David Davis

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (09:59:49): I move: That, in accordance with standing order 11.01, this house requires there to be tabled in the Council by 12 noon on Tuesday, 19 March 2019, a copy of all documents created or referred to by the Andrews Labor government relating to the Toorak Road, Kooyong, level crossing removal project, including but not limited to: (1) assessments of design options for removing either or both of the nearby Toorong Road and Glenferrie Road level crossings, including simultaneously or at a later stage; (2) reports or assessments of all and any consultation with relevant local councils and communities regarding design options; (3) hydrological, engineering and design advice relating to design options; and (4) sound and vibration attenuation studies, overshadowing impacts on neighbouring properties and assessments of required vegetation removal relating to the government’s preferred design. This is an important motion. The government has a level crossing removal program that is widely supported in the community, and the level crossing removal program delivers some benefits to the community. But there is always dispute about the best model in a particular location, and Toorak Road is no exception. The question is: is this the best model and on what basis is the government making that decision? It is my view that the government’s documents on this should be in the public domain. We should be able to see the hydrological studies. We should be able to see the studies that look at traffic flows, we should be able to see the studies that look at the overshadowing and other impacts on local communities and we should be able to see the process that the government has gone through to reach this decision, and that is what this documents motion seeks to do—to use the powers of the chamber to seek those documents. This should inform the public as well as this chamber as it proceeds on a number of these matters. The then Minister for Public Transport, Jacinta Allan, said last year that the Toorak Road level crossing was one on which there would be consultation with Stonnington and the community. That has not been the case, and the mayor has made that clear. I know that to be the case because I have spoken to a number of the officials and others at the council, and I have spoken to many in the community. I have in the last week heavily surveyed the community; I sent out thousands of surveys in recent days to seek the view of the community on this exact matter. I have had many, many hundreds of responses to those surveys. There is of course a range of different views, but universally the community is clear that they were not consulted on this matter and they think they should have been. That, I think, is not an unreasonable contention. If government is to undertake major infrastructure work, it needs to do so with a weather eye to the future. These level crossing removal projects are major projects that have an impact on the surrounding area for decades and decades and decades to come. Taking time to consult the community is a sensible way to go because you actually get a better outcome. That is the right way in which these things ought to be conducted, and it is for that purpose that I am seeking these documents. I think that they ought to be in the public domain. The Premier made some intemperate comments in recent days and, in a sense, sort of slapped down the mayor of the City of Stonnington, making clear to him that he was not going to be consulted because he was not putting any money into the project. I make the point that it is Victorian taxpayers money. Stonnington taxpayers are contributing to these projects, including this one. But even aside from that point, I just would have thought it was in the interests of the community more broadly to get the very best outcomes in terms of these major projects. If you are spending often hundreds and hundreds of millions of dollars, you do actually want to get the very best outcome possible. That is why I have brought this motion today, and given the urgency with which this is proceeding we need to see those documents as quickly as is feasibly possible. I seek the support of the chamber to achieve that.

[On 6 March I raised the Government’s inadequate consultation over the provision of safe pedestrian and cycling access in their Toorak Road sky rail proposal:](#)

06 March 2019	COUNCIL	Constituency questions	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:50:21): My constituency question today is for the Minister for Transport Infrastructure in the other place, and it concerns the level crossing removal proposed at Toorak Road, particularly pedestrian and cycle access. I know that at a public meeting recently the issue of pedestrian and cycling access was raised, and it is pretty clear that the government’s current proposal, which has not been released in full detail—we obviously are awaiting documents from the government

on that—will see what appears to be a worse outcome for pedestrians and cyclists and that government has not worked through the issues that are required there. So I ask the minister to provide an assurance that there will be proper consultation with the council and the community and that the pedestrian and cycling outcome will be enhanced safety, not safety being put at risk.

[On 7 March I raised in the Legislative Council the concerns of local schools that I and my colleague Georgie Crozier had met with:](#)

07 March 2019	COUNCIL	Adjournment	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (20:56:15): My matter is also for the attention of the Minister for Transport Infrastructure, and it concerns the Toorak Road level crossing. This is a level crossing removal that is widely supported and long overdue. All sides of politics, as far as I can see, support it. We have some serious objections to the model that has been proposed by the government. We think it should have been a rail-under-road model, not an elevated rail model, but there is another matter, and that is the neighbouring crossings of Tooronga and Glenferrie roads, which should have been looked at closely. The government should have consulted properly with local council and indeed with other institutions in the region. I am aware that Auburn High School, Auburn South Primary School and Bialik College, which are very close to the crossing in question, are very concerned that the government has not put forward a comprehensive proposal. They are disappointed that whilst the Toorak Road level crossing is now set to be removed, the Tooronga Road crossing removal has not been scheduled, nor indeed has the one on Glenferrie Road, so some of the traffic that will be funnelled through will not flow in the way it ought to. This outcome could have been much better. The government has proceeded with this process without consulting properly with Stonnington council or indeed Boroondara council, and it has not consulted with these major institutions, where there are significant traffic flows and significant numbers of kids walking and families moving through the area. What I seek from the Minister for Transport Infrastructure is for her to go to the effort of consulting with the institutions in the area: to consult with councils, consult with the local schools and specifically engage with Auburn High School, Auburn South Primary School and Bialik College. We have secondary, primary and independent school sectors involved here. This is very much all of the educational institutions in this location. Tooronga railway station, for example, is a major hub. Those who come to those schools move through that, and we need to make sure that this can occur safely and that the design of these crossings is done in a way that gets the very best outcome. So I reiterate that the minister should be prepared to consult with the councils. The action I seek is that she consults specifically with these three schools as a matter of urgency and reconsiders the government’s model—that she looks closely at Glenferrie Road, looks at Tooronga Road and seeks a better long-term outcome for the community.

[On 30 April I raised in the Legislative Council, the Commonwealth Government’s commitment of additional resources to permit the simultaneous undergrounding of the rail line at both the Toorak and Glenferrie Road level crossings:](#)

30 April 2019	COUNCIL	Members statements	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (16:27:38): My statement today relates to the level crossing at Glenferrie Road. I was pleased to join Josh Frydenberg there for an announcement of \$260 million of federal money—money to put a rail-under-road crossing at that point in Kooyong, in stark contrast to the state government’s plan to put a sky rail at a nearby crossing at Toorak Road. I think the state government should rethink that option and look to do rail-under-road to match the Glenferrie Road commitment of the federal government. Let us be quite clear here too: this also included money for the Madden Grove study or business case, and a focus on Tooronga Road as well. All of these crossings will in time need to be done. I also make the point that the Public Transport Users Association has pointed out that this is a high crossing cost, but the minister thought fit to try and support her bizarre federal colleagues by putting out a release saying that it was not properly costed, despite it being amongst— Members interjecting. Mr DAVIS: She will not release any of these

costings for these level crossings. She has hidden them all, including before the last state election. But let us go further. We also had input from Kristina Keneally—famous with Eddie Obeid and Joe Tripodi and co. We do not need interventions and commentary from interstate about crossings in Victoria. What we would rather see— (Time expired)

[Also on 30 April, I raised the resolution of a large meeting of the public concerned about the Andrews Government’s proposal for the removal of the Toorak Road level crossing with sky rail when better options were available:](#)

30 April 2019	COUNCIL	Constituency questions	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:55:01): My question is for the Minister for Transport Infrastructure and relates to the Toorak Road level crossing removal. On 24 April in the evening at the Malvern town hall there was a huge public meeting. Well over 200, nearly 300— Ms Crozier interjected. Mr DAVIS: You think it was more than that? I do not know. It was a very large meeting in any event. You were there, Ms Crozier, and so was the Leader of the Opposition and the Kooyong underground people led by Marni Morrow. I was pleased also to attend. **The meeting unanimously passed a resolution that said it 'supports in principle the removal of the rail crossing at Toorak Road, Kooyong, but rejects the current Andrews Labor government plan to build an elevated rail and insists upon a rail-under-road solution'.** That was a large public meeting, and it was a clear message to the government. I ask the minister: will she reconsider her proposed model and examine a rail-under-road solution as asked for by hundreds of local residents?

[On 1 May I raised concerns about the alienation of the land for the Toorak Road level crossing removal project that has been occupied for many years by the popular and successful local Boroondara Farmers’ Market:](#)

01 May 2019	COUNCIL	Adjournment	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:01:01): My matter for the adjournment debate tonight is for the attention of the Minister for Transport Infrastructure, and it concerns the Toorak Road level crossing. This level crossing is one that the government has foisted upon the community, and I have separately raised a number of matters concerning this crossing with respect to the public meeting that was held and the call for the rail to go under the road. Stonnington council has been very clear that they want a rail-under-road solution; Boroondara council has a similar view. But leaving all of that aside, and leaving the arrogance of the government aside, the current plan will see an area of land along Auburn Road just up from the current car park, almost up to the University of Melbourne area, in that direction—a large area of land that is currently used for a farmers market—sacrificed. What I seek from the minister is that, as she is working through the options for staging—the options for ensuring that the level crossing removal that we all support proceeds smoothly and preferably with a rail-under-road solution—the farmers market is not sacrificed, because currently, under the government’s draft plans, that farmers market will effectively be closed for some years to come. A market is held there regularly. It is a very successful one. People come from quite a distance away and produce is sold. It is extremely popular. We surveyed people at that market in recent weeks, and it is clear that the view of the community is that they want that farmers market to remain. They are small stall holders. It is their livelihood— Mr Ondarchie: Hardworking. Mr DAVIS: Hardworking stall holders. The government appears to be deaf to this. The City of Boroondara has made this point. Their submission in relation to the level crossing removal project has made this point crystal clear—that the farmers market needs to be protected. I support that. It cannot be beyond the capacity of government to find a better solution and find another way to proceed, preferably with a rail-under-road solution, with the level crossing removal at Toorak Road. Hopefully the government would even be prepared to take the more than \$250 million that the federal government has put on the table for the Glenferrie Road crossing removal at the same time. That would make a lot of sense. But my point tonight is a more narrow one: can the minister ensure that as she is proceeding with this she puts in place steps to protect the

farmers market and use alternate sites that have less impact on small businesses and the local community?

[And again, on 2 May during debate on the Major Transport Projects Facilitation Amendment Bill 2019, I raised the communities preferred option for rail under road:](#)

02 May 2019

COUNCIL

Second reading

David Davis

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (10:59:00): I am pleased to make a contribution to the Major Transport Projects Facilitation Amendment Bill 2019...We have seen this as recently as just over a month ago in the case of the Toorak Road level crossing. That is a level crossing removal that is in principle supported by everyone. Everyone recognises its importance, but the Major Transport Projects Facilitation Act 2009 process has seen that declared project allocated to Minister Allan as the Minister for Transport Infrastructure, but again in that case the Premier has not declared parts 3 and 8 of the act and there has been no legitimate and satisfactory consultation with the local community. The local councils have been lumped with this and told to comment around the edges. Stonnington, to its credit, has been quite direct and has said that it much prefers a rail-under-road solution, and the Premier told them to get nicked. Subsequent to that they have engaged with the government to try to do some constructive work to get some useful changes. Boroondara has put submissions to the LXP—the Level Crossing Removal Project. But all of this is late in the piece. All of this is separate from the community. All of this is council officers scrambling on very tight deadlines to be able to make those submissions, and I pay tribute to the council officers who have sought to do that on behalf of their communities. I note the councillors at the City of Stonnington have been very clear in their opposition—not all, but some. I want to put on record the thanks of the community to those who have been clear and for those motions that have said, 'Actually, we want the level crossing removed, but we want it done with a rail-under-road solution'. But my point here is that the use of this act is giving the government the leverage and the teeth to do many of these things without the proper engagement. The government appears in this case—and I am using this in a sense as a case study of the application of this act—to have declared the project and made an incomplete declaration, as it were, of the act, but it appears that it will also use the Planning and Environment Act 1987 to do whatever planning changes the minister from his high and mighty position deems to be appropriate, with again the sort of inadequate community input that has occurred here. There has been no panel, there has been no process and there has been no proper community engagement. The Premier in effect has told the community and the councils to, 'Just suck it up and off you go. You do what you're told. You're not putting any money into it'—I think he said—'and therefore we do not want you to bother us'. I do note that the federal government has put significant money into the announcement regarding the Glenferrie Road crossing. I note that they have put money forward for the commencement of an examination of Madden Grove, which is clearly a level crossing that will need to be removed. That will have significant impact on traffic movements across the Yarra and through those linkages to the freeway, and it will obviously impact both the Belgrave and Lilydale railway lines, including Camberwell, and also the Glen Waverley line. It is one of those crossings that has huge impact, and there is also a tramline quite close to it there which is impacted too. The federal government announcement is also relevant in terms of Tooronga Road and says that is something that should be done. In a sense I am using this Toorak Road crossing as a case study here of the government's shoddy approach and shoddy planning and its failure to integrate in a fulsome way with a proper approach to land use planning overall. It would be much better if the government had an integrated approach to rail under road through Tooronga Road, Glenferrie Road and Toorak Road. We would actually get a better land use outcome. We would get better removals of crossings. There are major impacts on schools. Auburn Primary School, Auburn High School and Bialik College are impacted. They have certainly written to me and others about those matters, and I have raised those matters in the chamber on a number of occasions. They see the importance of removing the Tooronga crossing, and that is a legitimate point that they are making. If they did a triplet of these, it would be a much better outcome. There is no reason why that could not occur. The government did that in the case of Ormond, Bentleigh and McKinnon. It was a rail-under-road solution there. There was a line closure, but the outcome has been much better and the community are much more supportive of that outcome in the

long term. Again, it was not excessively long. It was something that worked well in the end. In conclusion, I want to draw the house's attention to issues around the use of the Major Transport Projects Facilitation Amendment Bill 2019 more generally. We need to stocktake carefully the way the government is using this bill, and we need to look for opportunities to improve the fairness of its application. We need to make sure that the objectives of smooth and fast infrastructure provision are not compromised, but we need to do that, and I think we are capable of doing that, in a way that enables fast movement of infrastructure projects but actually has that early community engagement. Just like the government is talking about engagement with the infrastructure stakeholders earlier, the government ought to be talking about engagement with local communities earlier and more constructively rather than presenting them with a fait accompli and telling them, 'We will now consult with you on the colour of the paint on the outside of the infrastructure that we are going to build'. It should not be beyond a modern, sophisticated city like Melbourne to build infrastructure and to do it in a way that actually gets the best long-term outcomes, such as the protection of heritage and getting the best land use outcomes. I am not opposed to constructive, properly thought through value-capture propositions, but I am not in favour of just milking a community through a layer of taxes. That should all be thought through very, very carefully. The government has taken some of the previous coalition's projects in this area, including—on the very line I was talking about—the Burke Road level crossing removal. That was a good outcome that fundamentally completed the coalition's project and added a value-capture component over to the side. Arguably we could have got an even better outcome in that circumstance as well, but I do not think we are going to get the best outcome in the current government proposals for Toorak Road. I pay tribute to the many local community groups that have been prepared to fight for their local communities. With the CD9 level crossing removal the Caulfield-Murrumbeena-Hughesdale community fought very hard to get a better outcome, but this government was deaf to a better outcome and deaf to their concerns; it ploughed on and did not listen. If you go down there now you can see the outcome and it is less than ideal: the graffiti is significant and the undercroft of the elevated rail is not the outcome that you would want. Equally the government has been deaf in locations like Eel Race Road. I have had significant representation from people in and around Eel Race Road about the government's claim that it is removing the level crossing there. It is actually just a closure. They are just closing that crossing and the community will be, to a significant extent, landlocked and unable to get out easily and smoothly from their homes, and indeed some of the schools and so forth will be impacted as well. This is a government that is just bent on an outcome, and we do not hear about whatever processes are occurring internally within the government. I will be asking the minister when we can expect some of the documents that have been sought on the elevated rail proposal at Toorak Road. The chamber has passed a motion, and we still do not have a satisfactory response from government. In the interests of transparency and openness the government should provide that information to the community. I will be asking some of those questions in committee later.

[On 28 May I raised the Andrews Government's failure to comply with the 20 February motion of the Legislative Council requiring the production of Toorak Road level crossing removal documents:](#)

28 May 2019	COUNCIL	Constituency questions	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:57:28): My constituency question relates to level crossings, particularly Toorak Road and also the Glenferrie Road level crossing at Kooyong. The federal government has made a \$250 million commitment to put that crossing underground at Glenferrie Road, and I urge the state government to negotiate. But in preparation for doing that, the state government should comply with the request of this house for information, assessments and analysis on the Toorak Road level crossing to be provided to this chamber. It has now been some months since we sought that information, and the government must have some of that information in its possession. It is wrong that it has not provided that information, so what I seek from the Minister for Transport Infrastructure is that she makes that decision and actually provides the information to the chamber and to the community regarding the Toorak Road level crossing. The PRESIDENT: Mr Davis, can you rephrase that as a question rather than an action? Mr DAVIS: Will the minister finally provide that information?

And followed this up with a motion, passed by the legislative Council on 29 May, where I made the following points:

29 May 2019	COUNCIL	Motions	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:41:40): I move: **That this house: (1) notes that the state government has failed to provide a copy of all documents created or referred to by the Andrews Labor government relating to the Toorak Road, Kooyong, level crossing removal project sought by a resolution of the Legislative Council on 20 February 2019; (2) expresses concern at Premier, the Honourable Daniel Andrews, MP, and his government’s outright rejection of the \$250 million offered by the newly elected Morrison coalition government for the rail-under-road removal of the Glenferrie Road, Kooyong, level crossing and the \$10 million for progressing planning for the removal of the Tooronga Road, Malvern, and Madden Grove, Richmond, level crossings; and (3) calls on the government to genuinely negotiate progressing these level crossing removals with the federal government in the interest of Victorians.** This motion, as you gather, has three parts. The first notes that the documents relating to the Toorak Road crossing have not been provided by the government. There has been no reason proffered by the government as to why those documents should not have been provided. We are well into May, more than three months later. This is a repeat of the government’s arrogant behaviour in the last Parliament when documents were sought on level crossings and where they provided a big tranche of them almost two years late in the last sitting week of the Parliament. This process, where the government is flouting, deliberately it appears, the attitude of the Parliament is an unhelpful one. I think it is reasonable at this point to note that the government has in fact not provided those documents. I would have thought it would be a very reasonable thing for this chamber to insist that those documents come at a future point, but this motion simply notes the non-provision of those documents at this time. The motion also expresses concern at what seems to be an outright rejection by the state government of the \$250 million offered by the federal government for the Glenferrie Road, Kooyong, crossing. The federal Treasurer, Josh Frydenberg, since re-elected, made the significant announcement during the campaign period that \$260 million would be provided by the federal government: \$250 million for the Glenferrie Road crossing and for that to go rail under road; \$5 million for scoping of the Madden Grove complex and crossing—I think everyone in this chamber knows that crossing and knows the need to remove it; and also \$5 million for the Tooronga Road crossing. It is the strong preference of the federal government that the state government negotiates and comes to an arrangement where preferably at least two and probably three of those crossings be done together—certainly the Toorak Road and the Glenferrie Road crossings. Glenferrie Road is a particularly messy crossing. It obviously has not just significant road traffic, north and south, but it also has significant intervention from trams. You have got trams, trains and the road intersection, and there is a very significant length of time that that crossing, with its boom gates, is blocked to cars as the train frequency climbs each morning and evening. There is a good case for that to be done. It was very high on the authority’s list of crossings to be done because it carries significant road, rail and tram traffic. I think the community understands the good sense of it being removed. Obviously there are also significant institutions there. There is the institute for the blind, the shopping sector and the nearby Kooyong tennis club. They would all benefit from a carefully planned intersection with a rail-under-road solution. The traffic would be more free flowing and there would be a more straightforward movement for the trams. The Glenferrie Road tram carries a significant volume of traffic, and the north–south movement along that corridor is important, not just for commuters in the sense of people going to work or travelling for social reasons but also for the schools that are along that corridor of Glenferrie Road. This is a very reasonable ask. The federal government has put the money on the table. It is a significant election commitment, and if I was the state government, if I was in power, I would be jumping at that. I would be negotiating with the commonwealth. I would be saying, 'This is the best outcome and this is how we can get it'. But I am sad to say that the current Minister for Transport Infrastructure and the Premier appear to be determined to push forward with their model, their outcome and nothing else. The long-term outcome of their proposed model for Toorak Road is not a good one. I have met with many of the people in that area. The Kooyong Underground group are very active. They had a rally quite recently in the lead-up to the federal election to make

their points known. There was in fact a large public meeting that the Leader of the Opposition, the member for Malvern, Michael O'Brien, recently called. I was there, as were Ms Crozier and a number of local councillors and 300 or 400 local residents who were clearly concerned about an outcome where they may get a large elevated rail near their homes when an alternate solution is available. The government has said, 'Oh, no, we can't have an alternate solution because there are pipelines, there are electric connections' and so forth. Of course in established suburbs there is the challenge of moving around the current infrastructure, but that can be done. We know there was an earlier model for that set of crossing removals, and a lot of the significant work has in fact been done. We know that the claimed difficulties of the water table and all those things claimed by the government are frankly nonsense. We know that technically it is possible to build this crossing as a rail-under-road solution. I pay tribute to the work of the Kooyong Underground group, Marnie Rowe and others, for the significant advocacy that they have undertaken on behalf of their communities. I have certainly been persuaded that their arguments are strong and have been prepared to work with them. It is incumbent upon MPs to work with them. I know that they have sought meetings and have had meetings with Michael O'Brien and with Ms Crozier. We have been receptive to their point of view. That is not the case with Mr Kennedy, the member for Hawthorn. He has not, as I understand, been prepared to engage with them and actually have a serious discussion about what the impact is there. In one sense the Toorak Road crossing is inside the Malvern electorate, but it clearly impacts on a number of institutions that are in the Hawthorn electorate. Ms Crozier and I have met with the schools—for example, with Bialik College, Auburn South Primary School and Auburn High School. All the schools want to see the best outcome for these crossings. To me it seems incumbent on a local member that they meet with these institutions and with local groups that have legitimate points to make. The Kooyong Underground group has a large number of engineers and professional people who are part of that group and who actually have very good, thoughtful ideas. I was disturbed when I had a recent meeting with that group and they relayed to me their conversation with some of the Level Crossing Removal Project (LXRP) engineers. One of the points they made was that they had been told there would be no change to this model because 'we have a direct instruction from the minister'. That is as blunt and as plain as it was put. It is of no use to put a good idea forward. It is of no use to claim that certain points have not been taken into account. Of course this is one of those models where the government again has made a decision before it has consulted the community. The City of Stonnington has made strong points in its formal position, and I have read the correspondence between Stonnington and the Level Crossing Removal Project. The Stonnington paper lays out its views. It also makes it clear that the council has adopted a formal position that it favours rail under road and is prepared to work closely with the state government to achieve that. I note that Stonnington has a history of working with state governments in historic times to actually help fund some of the rail-under-road solutions that were put in place in other parts of the Stonnington municipality. The Premier said, when the mayor spoke out, 'Well, you are not contributing anything so we are not going to listen to you'. He just dismissed the community arrogantly—I think that is the only word that you can use. It is a very disappointing approach, given that the community actually want to know that their views are taken account of. They want to know that their councils are in a position to take steps. I do pay tribute to Boroondara, too. They put a very thoughtful submission forward. It is less impactful on Boroondara in terms of the actual land itself, but some of the land that is contemplated to be taken by the LXRP is in Boroondara. The government has moved on the issue of the farmers market. The farmers market would have been lost if the community had not reared up and said, 'No, we do not want that farmers market taken'. I understand the Patterson Reserve area is an area that the government has now said it will not take in this process. But let us be clear: the clear-eyed way to proceed here is to listen to the community and to work with councils, and that is not what the government is doing. It has decided on a course of action before consulting, and it is only now running community discussions. I have attended two of those discussions in the recent period, and the message is very clear: 'This is the model and we're telling you what the model is; we're not actually discussing with you what the model should be'. I intend to conclude now, but just to reiterate, there are three essential points here. One is that the state government has not provided the documents the Council sought, and in my view, it should. Secondly, the state government ought not to immediately reject the \$250 million offered by the federal government for crossing removals and the \$10 million for studies for Madden Grove and

Toorong Road; and, importantly, the state government should be receptive to the federal government and the state government should work with the federal government to actually get the best outcome here. By working together on this, a sensible outcome can be achieved. A crossing removal at Glenferrie Road and Toorak Road could be achieved with a rail-under-road solution, and the community would be very supportive of that. Glenferrie Road is very important for north-south movements, and I certainly welcome that federal commitment, but implore the state government to genuinely work with the federal government to work through a solution that is in everyone's interests.

29 May 2019	COUNCIL	Motions	David Davis
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Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (16:59:21): This is a very reasonable motion. It is a motion that points to the lack of documents that the government ought to have provided. It offers the alternative for the state government to work with the commonwealth government instead of taking them on unhelpfully. There is no technical reason why a rail-under-road solution cannot occur at Toorak Road. I have spoken to a number of engineers who have actually drafted up significant work. They have sought to present that to the Level Crossing Removal Project, and that group is not prepared to engage with them on these matters. Contrary to the views of a number in this chamber, the opposition has not taken these steps and has not taken these positions without thoughtful engagement and focus with a number of engineers, a number of them retired engineers who have considerable time, who have done a great deal of work to look at the options that are available with this level crossing. What is clear, though, is that the community has actually spoken very, very directly. At the large public meeting that Michael O'Brien, Georgie Crozier, many councillors and I attended—300 to 400 people—on an evening at the town hall, the people there spoke with very strong vehemence and determination to see a rail-under-road solution rather than a sky rail solution. Nobody was consulted on this before the election; nobody was given a rail-under-road option. After the election the government has pushed forward with a proposal that is not welcomed by the community. Indeed the City of Stonnington has taken a clear and formal position and said, 'Actually we want a rail-under-road option'. Their engineers are very aware of this as well. They know that the capacity for place making, for better outcomes and for better continuity across the area will be enhanced if there is a trench dug and they actually are able to dig part of that. There would be more parkland if a creative option like that was taken forward, and it would not necessarily be more costly. These sky rails are turning out to be very costly indeed, and the government has refused repeatedly to release the details of the costings of the different crossings. Those costings are not in the public domain. The one that is in the public domain is on this line, just a little way up at Burke Road. That was funded by the previous government, and the decision was made by the previous government to put a rail-under-road option in place. That was persisted with by the current government, to their credit, and a very successful and popular outcome has been delivered. Equally on the Frankston line the Ormond, McKinnon, Bentleigh triplet of level crossing removals was a rail-under-road solution, and it has been incredibly well received because the community recognises that this is a better outcome for them. I can tell you that a sky rail would not have been well received there; it would not have been a popular outcome. We know that the outcomes in Hughesdale, Murrumbeena and Carnegie have not been good outcomes. Indeed one of the assessments that was done by the City of Boroondara with respect to Toorak Road was an independent assessment where they went down and looked at the sky rail at Murrumbeena and Carnegie. Their commentary in the formal document the council submitted actually makes a series of points about the water, about the lack of light, about the lack of growth of trees in that area and about the wet mulch in significant areas underneath the sky rail. That is not a pretty sight; that is not a good outcome. The Age article that was referred to was an article by a journalist who was provided with additional information which they chose not to use. Indeed I sent that journalist significant information, and a number of community members spoke to that journalist and made the point that the sky rail has not been popular there. As far as antisocial activity goes, there are clear issues with antisocial activity along that corridor. Indeed the councils have yet to come to a conclusion as to what long-term maintenance arrangements will be put in place. Glen Eira, Monash, Dandenong—none of those have yet agreed with the state government about a long-term maintenance program. The reason for that is that they know it will be costly and the state government is not offering sufficient resources to do that long-term

maintenance. So the outcomes are not good. I went and did a walking tour in Murrumbena with a local arts group just a few weeks ago—a very welcome set of steps. But as I moved around with that local arts group it was clear that the elevated rail was not a popular elevated rail. People did not want that outcome; they wanted a rail-under-road solution. Many have been forced to flee the area because of the impact on their homes. A member interjected. Mr DAVIS: They have indeed fled the area. That is what they have done. And I have to say that if a skyrail option is put in place at Toorak Road, there will be a significant impact on many of the local people. They know it; they have begun to look at these designs closely. The engineers are looking at them closely. They know what is going to happen with shadowing. They know the visual amenity is going to be directly impacted. The government has not done proper studies on sound and the sound impacts. We know from the sky rail in Murrumbena and so forth that the impact is quite significant. The government assessments down there were not assessments of the best outcomes. They did not model a rail-under-road solution in the case of the CD9 set. They modelled only what was then the current rail with an elevated rail, new track and no boom gates, and strangely they found that when you remove the boom gates it is quieter. When the trains do not toot when they go through the boom gates it is quieter. Let me tell you, you get that effect whether you have a rail-under-road or a rail-over-road level crossing removal. You get no sound in that sense, but the actual noise that goes out from the elevated rail is greater and goes out a greater distance than the option of a rail under. That is the assessment, and that is the option that should be considered. I cannot for a moment think that the offer by the federal government should not be accepted and worked through. The state government should in the first instance, to pick up the first point I have made here, actually make available the documents, the assessments and the consultancies that they have undertaken at public expense and this chamber has sought to have provided, which they are at the moment sitting on and will not provide to the chamber. And that is wrong. That is simply wrong. The state government ought to come clean and provide those assessments. The simple fact is that if those assessments were in the public domain, people could see them and critique them and indeed debate the merits or otherwise of different proposals. But with the state government keeping all of that secret it is very hard to debate the precise proposals when they are not putting them in the public domain in a comprehensive way. I have been to the briefings. I have spoken to the community. I have spoken to the engineers that have looked at the options on this, and I say the commentary by Ms Taylor was very misinformed. She should talk to those groups and she should talk to their engineers. She should take the time, as a local member, to actually sit down for a lengthy period and have those engineers talk through some of these points with her, and she will be surprised. If you go with an open mind and a preparedness to talk to the community, they have a huge reservoir of knowledge and information which MPs are able to tap, MPs are able to draw upon, to inform their decisions. I commend that model to the chamber. In any event, this is a modest motion and I seek the chamber's support.

Motion carried.