

**Submission to the**  
**Economy & Infrastructure Committee**

**20 April 2016**

## **1 INTRODUCTION**

### **Background to the proposed project**

- 1.1 The Victorian government proposes elevated rail (known colloquially as 'Skyrail') along the Cranbourne-Pakenham rail line between Caulfield and Dandenong stations.
- 1.1 The Skyrail project proposes to remove nine level crossings between Caulfield and Dandenong and to create a long elevated viaduct Skyrail design at heights ranging from 9 to 15 metres in various elevated sections, excluding the new built stations which will have heights in excess of 20 metres. It is proposed to stretch over many kilometres through established and settled suburbs of character, heritage and identity.
- 1.2 Skyrail is a relatively new concept, first touched upon in the media in January 2016<sup>1</sup>, but identified by the government and the Level Crossing Removal Authority ("LXRA") in February 2016 as the proposal that appears to have been decided upon.

### **Background to Lower Our Tracks Incorporated**

- 1.4 Lower Our Tracks Incorporated ("LOTI") is a not for profit Association. Its members are predominantly residents and stakeholders from communities along the Cranbourne-Pakenham rail corridor. There are approximately 452 members of the Association presently.
- 1.5 LOTI was formed in February 2016 to give a voice to residents in the communities along the Cranbourne-Pakenham rail corridor in response to the proposed Skyrail project.
- 1.6 LOTI is not opposed to the Government's removal of the rail level crossings between Caulfield and Dandenong. LOTI is supportive of the level crossings removal project in general but is concerned about the current proposed elevated Skyrail design for the Cranbourne-Pakenham rail corridor.
- 1.7 LOTI opposes the concept of a long elevated viaduct rail system which spans a number of kilometres through established settled suburbs of significant character, heritage and identity.

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<sup>1</sup> [http://www.weeklytimesnow.com.au/news/breaking-news/skyrail-plan-for-busy-melbourne-train-line/news-story/1a5983bffbaca13d99fe8e1af2015374;](http://www.weeklytimesnow.com.au/news/breaking-news/skyrail-plan-for-busy-melbourne-train-line/news-story/1a5983bffbaca13d99fe8e1af2015374)  
<http://www.theage.com.au/victoria/elevated-rail-could-run-through-melbournes-southeast-in-level-crossing-project-20160110-gm32yq.html><http://www.heraldsun.com.au/news/victoria/sky-rail-for-pakenham-cranbourne-line-outlined-in-secret-andrews-government-plans/news-story/e657698836b2589e3bcda521ed040b3c>

- 1.8 LOTI believes the communities and its residents along the Cranbourne-Pakenham rail line between Caulfield and Dandenong expected, and prefer, a rail under road 'cut and cover' design. Such designs are presently being constructed as part of the level crossing removal project at St Albans, North Road, Centre Road and McKinnon Road on the Frankston rail line and the completed Gardiner Station at Burke Road.
- 1.8 LOTI considers the residents along the Cranbourne-Pakenham rail line between Caulfield and Dandenong did not vote for a Skyrail and they should not be 'railroaded' to accept the government's proposal. Large portions of these communities remain steadfast in their objection to the Government's extended elevated rail proposal which had not been put to full and open public consultation.
- 1.9 A number of residents are willing to come before the Economy and Infrastructure Committee ("the EIC") and inform of their personal experiences and concerns, as well as relay their experiences from sessions conducted with the LXRA.

## 2. POLITICAL LANDSCAPE

### Motivation behind Skyrail

- 2.1 LOTI is concerned about what appears to be a political drive for the proposed Skyrail project, without the expected community consultation and explanations. There appears to be little if no justification or explanation for the project and little if no genuine adaption to meet local and broader needs.
- 2.2 The Skyrail project appears to be spearheaded with great haste and no time appears to be granted for review of each part of the processes, nor time to incorporate various stakeholder needs. Mr Devlin, CEO of LXRA conceded to the EIC that some of the level crossing removal projects had been commenced in the absence of the Minister getting a business case plan.<sup>2</sup>
- 2.3 The political nature of the Skyrail project is punctuated by a lack of transparency for the proposal, perpetuated by the LXRA and the Government. The general feel is one of signing contracts and building Skyrail before the community is able to understand the project and its true impacts.<sup>3</sup>
- 2.4 The entire process appears to have the look and feel of 'spin doctoring' to meet the government's preferred option without appropriate community consultation, explanation or justification.<sup>4</sup>

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<sup>2</sup> Mr Craig Ondarchie, EIC, and Mr Kevin Devlin, CEO LXRA, *Public Hearing*, 1 September 2015, p.8.

<sup>3</sup> The LXRA informed Mr and Mrs Bigg in an email dated 23 March 2016 that "*there is no requirement to prepare an environment effects statement for the project. Environment Effects Statements are typically prepared for projects or works capable of having a significant effect on the environment at a State or regional level or where the nature and complexity of the issues raised by a project warrant an integrated assessment of a broad range of potential environment effects... An assessment of the project against this criteria has shown that the project does not satisfy the criteria to warrant referral under the Environmental Effects Act 1978.*"

<sup>4</sup> C.Lucas, "Skyrail project scores a skyrail fail on proper consultation" *The Age*, 16 Feb 2016, [www.theage.com.au/victoria/skyrail-project-score-a-skyfail-on-proper-consultation-planners-20160215-qmu](http://www.theage.com.au/victoria/skyrail-project-score-a-skyfail-on-proper-consultation-planners-20160215-qmu)

- 2.5 The community is very concerned that it is all happening as a 'fait accompli' before properly consultation or understanding occurs.<sup>5</sup>

### Consultation with the community

- 2.6 For many, the concept of Skyrail was identified, or crystallised, by a knock on residents doors from a representative of the LXRA on Saturday night, 6th February 2016. The representatives were visiting properties which abutted or faced the rail line, and there was a formal announcement in the media the following day<sup>6</sup>.
- 2.7 The elevated rail option was not put forward as a design to the residents and wider communities during the community feedback sessions **first** held by the Level Crossing Removal Authority in late 2015.<sup>7</sup>
- 2.8 Residents consider they have NOT been involved in any genuine consultation<sup>8</sup>. Instead, information has been 'drip-fed' through the distribution of glossy brochures and pamphlets and through information marketing sessions.
- 2.9 The residents do not consider that a consultative approach occurred and feel that Skyrail has been 'sprung on them'.
- 2.10 The residents do not consider the Government's reasons for choosing the elevated rail option as valid and substantiated. The residents consider the government has strategically excluded them from input into the proposed project.<sup>9</sup>
- 2.11 The residents are experiencing an increase in levels of stress, particularly those directly impacted by the elevated Skyrail design, in light of Premier Andrews' remark that the Skyrail project will not be changed.

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<sup>5</sup> R.Willingham, 'Skyrail decision is irreversible, says Premier Daniel Andrews' *The Age*. 1 March 2016. <http://theage.com.au/victoria/sky-rail-decision-is-irreversible-says-premier-daniel-andrew-20160229-qn70re.html>

<sup>6</sup> 'Skytrain project for Melbourne's busy Cranbourne-Pakenham line gets go ahead', *ABC News*. 7 Feb 2016. [www.abc.net.au/news/2106-02-07/melbourne-sky-train-gets-go-ahead-cranbourne-pakenham-line/7146446](http://www.abc.net.au/news/2106-02-07/melbourne-sky-train-gets-go-ahead-cranbourne-pakenham-line/7146446)

<sup>7</sup> There is no reference to an elevated rail in the LXRA and State Government of Victoria's Consultation Report Level Crossing Removal Project: Caulfield to Dandenong.

<sup>8</sup> The Residents consider the E.Y.Sweeney Research Survey and the ERG Focus Group Research commissioned by the LXRA and Government for the Caulfield-Dandenong level crossing removal program were designed and conducted in such a manner that favoured the Government's preferred outcome that elevated rail was accepted as the best option by the communities.

<sup>9</sup> The Community Tender Advisory Panel (CTAP) was chaired by Mr Steve Dimopoulos, Member for Oakleigh, and comprised of members of LXRA and local council representatives as well as local business and key stakeholder representatives. The EIC noted at the Hearing on 1 September 2015 at page 13 that "it is not terribly independent if you have government MP's chairing these committees" and again at page 13-14 "would it be feasible to see that the close involvement of government members would allow the entire process to be open to political abuse?... given that we have had one instance of a member's name appearing at the bottom of the Authority's advertisement chairing another member chairing another community (sic), the good people of Victoria might have trouble seeing the difference between government and Authority.... So you would be happy for the Authority to become a propaganda tool of local members of the government."

## Transparency

- 2.12 There appears to be no consolidated, comprehensive project document that explains in full:
- a) how the Skyrail project is proposed;
  - b) what its impacts will be;
  - c) how the project will be undertaken; or
  - d) how the proposal will address the usual concerns for a project of this type.
- 2.13 The Government and the LXRA has not been clear or open about the purpose of residents submissions, nor under which precise process and legislation the resident's submissions will be assessed.
- 2.14 The adaption of the LXRA designs to the Skyrail project has not been explained or justified with regard to:
- a) environmental impacts;
  - b) amenity and social impacts;
  - c) financial impacts; or
  - d) a business case, comparing the alternatives.

## 3. ENVIRONMENTAL IMPACTS

### Noise

#### 3.1 Noise Levels & Impact on the community

- 3.1.1 There have been no Noise Modelling/Acoustic Assessment Reports and/or studies made available to residents. Residents are frustrated that such relevant information has not been put forward by the LXRA or the Government. Such a report should have been put in the public domain when residents were asked to prepare their submissions before 18 March 2016.
- 3.1.2 The LXRA has referred resident's inquiries about noise and vibrations to:
- a) the Passenger Rail Infrastructure Noise Policy 2013 (Vic) which was prepared by the former government for their Regional Rail Project and according to the LXRA is the policy for the current project; and
  - b) a Factsheet titled 'Understanding Noise and Vibration produced by the LXRA.'

- 3.1.3 It remains unclear whether the Passenger Rail Infrastructure Noise Policy 2013 is applicable to such an elevated rail design, as it was prepared for at grade rail designs.
- 3.1.4 The LXRA has stated to residents that they will erect perspex screens to mitigate noise. The height of these screens is yet to be determined. The LXRA has suggested to residents heights of between 60 centimetres and 2 metres.
- 3.1.5 A report commissioned by the City of Maribyrnong in 2012 titled 'Footscray Road and Rail Noise Study' indicated that effective noise mitigation of freight train noises requires sound barriers at a height of 5 metres. The cost of such high barriers was expensive.<sup>10</sup>
- 3.1.6 The use of the rail line should not be underrated. In fact, the first EIC report into infrastructure projects (December 2015) noted that:
- a) an additional 37 trains would run along the Cranbourne-Pakenham rail line<sup>11</sup>; and
  - b) the Minister for Public Transport noted the importance of the level crossing removal program for the freight industry. She acknowledged at a hearing with the Public Accounts and Estimates Committee that the Cranbourne-Pakenham line was a busy freight corridor as well as a busy passenger corridor and that removing the level crossings would enable more slots to be available for freight trains<sup>12</sup>.
- 3.1.7 The residents are concerned that elevated rail noise will have serious and adverse impacts on physical and mental health including disturbed sleep patterns, affected cognitive function, cardiovascular conditions and hearing impairments.
- 3.1.8 The residents are concerned that the elevated Skyrail noise will have an impact on children attending a child care centre, presently under construction, abutting the Cranbourne-Pakenham rail corridor in Murrumbeena, the nearby Murrumbeena Primary School and an aged care facility 'Brimlea" on Railway Parade, Murrumbeena, only metres from the Cranbourne-Pakenham rail line.
- 3.1.9 A recent paper given at Euronoise in Maastricht, Netherlands in 2015 about 'The pollution control of Urban Elevated Railway Traffic Noise' in China found that:
- a) a preliminary environmental impact assessment it was generally said 'it is suggested not to construct new school, a hospital, a centralised residential area and other special noise sensitive targets within the range of 100m along an elevated line. In practice this principle is not always followed, which has caused nuisance to residents in the operation stage and hence

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<sup>10</sup> [https://www.maribyrnong.vic.gov.au/files/Attachments/DEC12\\_CSSC\\_Footscray\\_Road\\_and\\_Rail\\_Noise\\_Study\\_October\\_2012.pdf](https://www.maribyrnong.vic.gov.au/files/Attachments/DEC12_CSSC_Footscray_Road_and_Rail_Noise_Study_October_2012.pdf)

<sup>11</sup> Parliament of Victoria Legislative Council Economy and Infrastructure Committee, First report into infrastructure projects, December 2015. p.8.

<sup>12</sup> *ibid.*,10

increased investment for noise reduction measures. Moreover, the remedial measures taken are always restricted by various factors and can barely obtain satisfactory results'.<sup>13</sup>

- 3.1.10 Residents, traders and businesses are also concerned that the noise and vibration from elevated rail would render it difficult, if not impossible, to install tenants in residential and commercial properties which abut or are near the proposed Skyrail.
- 3.1.11 A representative from the LXRA Engineering team, Mr Williamson, conceded in a discussion with Mr Adrian Bidinost, a Murrumbidgee resident during a one on one session held on 10 March 2016, that *"a rail under road cut and lowered design would have the rail noise and vibration absorbed into the concrete and soil barriers better than the proposed elevated rail design"*. Mr Williamson could not advise whether any proposed noise and acoustic assessment reports will provide comparison noise modelling of elevated rail versus rail under road.

### 3.2 Noise during construction works

- 3.2.1 The LXRA have told residents that construction works would be undertaken 24 hours, seven days a week to ensure the project is completed on schedule.
- 3.2.2 Residents are concerned that:
- a) transport and haulage of materials and large lifting equipment will be done at night when road traffic is lighter;
  - b) noise from construction works will impact residents and in particular, children, the elderly and shift workers; and
  - c) the proposal by LXRA that it may relocate residents impacted by noise has not been clarified and would be both difficult and disruptive for many residents, particularly those with families and pets.

### **Pollution and Health issues**

- 3.3 The LXRA informed Mr and Mrs Bigg in an email dated 23 March 2016 that a Preliminary Air Quality Assessment Report has been completed for this project and the assessment complied with the National Environment Protection (Ambient Air Quality) Measure 2003 requirements. This report has not been provided to residents.
- 3.4 Residents are concerned about the spread of diesel fumes and emissions from an elevated rail design.
- 3.5 The International Agency for Research on Cancer ("IARC") part of the World Health Organisation announced in 2012 that it had reclassified diesel exhaust as a 'definite carcinogen' placing it in the highest category – Category 1. The IARC's expert panel

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<sup>13</sup> Y.Liu et al, 'The pollution control of Urban Elevated Railway Traffic Noise' 2015, p.1686-1687.  
[www.conforg.fr/euronoise2015/proceedings/data/articles/000057.pdf](http://www.conforg.fr/euronoise2015/proceedings/data/articles/000057.pdf)

assessed all the available scientific evidence and decided that exposure to diesel exhaust fumes can, and does, cause cancer in humans – specifically lung cancers.

- 3.6 Residents are concerned that the LXRA have indicated that there is no requirement to prepare an Environment Effects Statement for the project following their Assessment Report for the Caulfield-Dandenong level crossing removal project which they state does NOT trigger an Environment Effects Statement pursuant to the Act.

### **Soil and ground contamination**

- 3.7 Mr Devlin, CEO of LXRA, informed Mr and Mrs Browning, of Carnegie in a one to one session on 25 February 2016 that 'there are soil and ground contamination issues with the Cranbourne-Pakenham rail corridor which will require 300mm of material to be removed and rehabilitated and the Environment Protection Authority ("EPA") are to validate it is safe for public use.
- 3.8 Information about soil and ground contamination has not been identified and made available for public review.

## **4 AMENITY AND SOCIAL IMPACTS**

### **Visual Impacts of the project in general**

#### 4.1 Summary

- 4.1.1 The Skyrail design will be an imposing concrete fixture, visible for some distance and not in keeping with the character, heritage and identity of these south-eastern suburbs. No amount of additional tree planting could aesthetically decrease the visual impact of the proposed design.

#### 4.2 Loss of village character and identity

- 4.2.1 Residents have described the Skyrail design as obtrusive, particularly a 'blight and eyesore' on the landscape. Residents consider that the government has failed to respect the area's history, heritage and architecture.

#### 4.3 Removal of mature trees/flora

- 4.3.1 Residents consider that significant mature trees such as the Remnant River Red Gums have existed for over 250 years in the area will be removed or compromised for the Skyrail, particularly with the relocation of Hughesdale station. The residents strongly feel that the Government should commission a report by an expert botanist and arborist for inclusion in an Environment Effects Study.

### **Visual impacts of the project in relation to particular properties**

#### 4.4 3-D models of overshadowing / lack of natural light

- 4.4.1 3-D models have been prepared and presented by the LXRA to residents during the one to one sessions to demonstrate the overshadowing at the equinox date and the solstice date and the lack of natural light on properties once the Skyrail is built. A number of residents were shocked to learn that their properties will be significantly overshadowed, particularly

in the winter months. For example, the resident at 4 Cosy Gum Road, Carnegie was told she would have approximately 15 minutes of natural light only.

***NB: The EIC is provided a copy of a sample of the LXRA 3-D draft preliminary pictures provided to residents who had 1 on 1 sessions with the LXRA.***

#### 4.5 Privacy

- 4.5.1 The LXRA has informed affected residents adjoining/abutting the Cranbourne-Pakenham rail corridor that a proposed perspex screen will provide privacy to residents along this area. The exact type and height of such screens have not been advised.
- 4.5.2 The Minister for Public Transport announced on 29 March 2016 that residents could apply for a package of works that could include planting more trees and plants, and raising their fence line, helping reduce the visual impact of the elevated sections of the train line. Residents do not consider this an adequate solution.<sup>14</sup>
- 4.5.3 The LXRA draft preliminary 3D models do not demonstrate placement of any visual barriers or screens and appear to demonstrate errors in the modelling, including inconsistencies in relation to the proposed placement of parks, reserves and future roads.

#### **Disruption to the community**

- 4.6 Residents are concerned about what will happen to the Murrumbeena Scout Hall, the present heritage overlay train stations at Carnegie and Murrumbeena, as well as the Murrumbeena Station footbridge. The residents have received mixed responses from the LXRA in relation to their inquiries.
- 4.7 Residents are concerned about construction impacts on Boyd Park, Riley Park and Galbally Reserve.
- 4.8 Residents are concerned that the LXRA has alluded to plans for multi-story parking at Hughesdale station.
- 4.9 Residents are concerned about the potential for spaces under the elevated rail design to become concrete wastelands attracting anti-social behaviour and nefarious activities, outlined as follows:
- a) The residents are concerned that there is a potential for criminal elements to take advantage of the undercroft of the elevated rail design. Any development that gives miscreants opportunities to hide, vandalise and promote criminal behaviour and activity should have the necessary security deterrents in place. The LXRA has not been in a position to inform residents of any consultations with police authorities about the potential for such nefarious behaviour.
  - b) Residents are concerned that Metro Rail has not been able to manage criminal activity on its train network. An elevated

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<sup>14</sup> Hon. Jacinta Allan MP, Minister for Public Transport, "Support for Residents living near level crossing removals" (media release), 29 March 2016.



Skyrail will bring more youths with criminal intent into the quiet village life of these suburbs. The nefarious behaviour of graffiti vandals will 'scale greater heights' on an elevated rail line.

- c) Safety concerns and risks to life may increase as dangerous, reckless behaviour on the overhead viaducts becomes a novelty for the youth, as well as concern about the potential for suicides. Barriers may not be a deterrent for such activities.
- d) Residents are concerned that the open spaces will become areas for littering and large scale rubbish dumping.
- e) Inadequately lit open space and carpark areas may become a haven for vandals and vagrants at night.
- f) The LXRA have provided little, if any, information to residents about how rubbish dumping and potential nefarious behaviour under an elevated rail design will be managed.

4.9 Residents along the Cranbourne-Pakenham rail corridor have a vested interest in the liveability and visual beauty of their communities which they consider will be forever damaged by a concrete elevated Skyrail in place of common and appropriate rail under road level crossing removals.

#### **Potential for open spaces under elevated rail to become car parks**

4.10 The residents have not been given sufficient information about the traffic management plans provided by VicRoads to the LXRA for its Skyrail Business Case. Residents are concerned that traffic to the area will increase without any further increase in car spaces in local streets.

4.12 Residents are concerned that there will be competing demands for an increase in car parking against demands for recreational spaces.

#### **Disability Access**

4.13 The LXRA's email response to Mr Brett Day on 18 March 2016 about his concerns for disabled persons access when an emergency situation arises on the elevated rail tracks, particularly for wheelchair-bound passengers was:

*"There is an emergency/maintenance access walkway along the elevated viaduct structure. This walkway is approximately 1000mm wide and could accommodate wheelchair usage. The emergency walkways will not be fully DDA compliant, however they will be able to accommodate a wheelchair in the event of an emergency evacuation. It should be noted that at present there are no dedicated emergency walkways along the railway which could be used in the event of an emergency."*

## **9 FINANCIAL IMPACTS ON PROPERTIES AND THE LOCAL COMMUNITY**

### **Voluntary Purchase Scheme**

5.1 The Government announced on 29 March 2016 that it would implement a scheme to voluntarily purchase some properties affected by the proposed project. Residents can also

apply for a package of works that could include planting more trees and plants as well as raising fencing lines to help reduce the visual impact of the elevated sections.

- 5.2 The government's voluntary purchase scheme is available until 30 June 2017 to residents who can elect to have their homes purchased at the unaffected market rate. The government advises it will pay the related costs including legal, valuation and moving expenses, as well as stamp duty.
- 5.3 Residents who were immediately eligible for the Voluntary Purchase Scheme received letters. These properties are predominantly those abutting the Cranbourne–Pakenham rail corridor.
- 5.4 Other residents who consider they are directly impacted made inquiries with the LXRA property team to ascertain the criteria for eligibility and exclusion. Unfortunately, the property team representatives have been ill equipped and poorly prepared to answer resident's queries and it is considered that they have not been properly prepared by the LXRA to roll out the voluntary purchase scheme, or to be able to suitably liaise with the community.
- 5.5 Residents have not been properly informed of the disadvantages of the voluntary acquisition scheme in relation to their property when compared with compulsory land acquisition rights. While the voluntary scheme is appropriate for some properties, the scheme could be seen to subvert rights for some persons who ought be provided rights pursuant to the *Land Acquisition and Compensation Act 1986* ("LACA"). LOTI is able to make available experts to explain to the EIC why an acquisition under the LACA is more appropriate for many residents and businesses impacted by Skyrail.

#### **Future 3rd and 4th rail tracks on the Cranbourne-Pakenham corridor**

- 5.3 The LXRA have indicated that future tracks are not projected for this level crossing removal program at the present time, but are likely to be in 12-20 years and will be subject to separate planning, design and consultation.
- 5.4 If the Skyrail project proceeds, then acquisition of residents' properties is likely to occur well into the future, once the property values adjust to account for a completed first tranche of the Skyrail project. Residents are concerned that the first tranche of the Skyrail project will impact their rights in relation to the second tranche and are concerned that the two tranches should not be separated in this manner. LOTI is able to make available experts to explain this issue and options available.

#### **Responsibility for upkeep and funding for maintenance of areas under Skyrail**

- 5.5 The residents have been given mixed information as to whether VicTrack or the local Councils will maintain the open areas under the elevated rail.
- 5.6 LXRA has indicated that the government has allocated funding for 10 years for the upkeep and maintenance of the areas under the Skyrail whereas the councils are seeking that the government allocate funding for the upkeep and maintenance for 20 years. Residents are concerned that eventually they as local rate payers will be forced to pay for upkeep and maintenance of the spaces under the Skyrail infrastructure.

## 6 CONSIDERATION AND COMPARISON OF ALTERNATIVES

- 6.1 The LXRA has made statements to residents which are conflicting, ambiguous and confusing when justifying why the rail under road is not the option for the community.
- 6.2 On 25 February 2016 Mr Devlin, CEO of LXRA, informed Mr and Mrs Browning, in a one to one session that the LXRA had *"looked at trenching but that issues were encountered such as high groundwater, subsidence, flood overlays and drainage"*.
- 6.3 The residents have not had the opportunity to examine the engineering and technical challenges of an open cut, open cut and cover, open cut and intermittent cover solution because reports have not been made available to residents for review, analysis and confirmation of LXRA's claimed identification of issues of high groundwater, subsidence, flood overlays and drainage. Notwithstanding, a number of the residents have provided very detailed proposed options and possible solutions in their submissions to the LXRA in favour of a cut and cover design.
- 6.4 The residents did NOT vote for a Skyrail design and were always led to believe that rail under road designs were the proposed option for the removal of the level crossings in their suburbs. During the consultative process in relation to rail design, elevated rail option was never stated to be the preferred option. Residents recalled that it was not included as one of the 4 options displayed in the concept drawings at the information sessions in August 2015.
- (a) rail under road- lowering the rail line under the road;
  - (b) rail over road – building a rail bridge over the road;
  - (c) road over rail – building a road bridge over the rail line; and
  - (d) road under rail – lowering the road under the rail line.
- 6.5 The Government decided to ignore the initial views of the Office of the Victorian Government Architect (OVGA) and the Victorian Design Review Panel which both identified that:
- "an elevated road or rail structure would have a significant physical presence and impact on a place and is typically not a preferred solution... Harsh interventions preclude the natural capacity of a place to 'heal'. In addition the OVGA indicated that lowering a section of the rail corridor under an at-grade road was the most supportable solution in most circumstances as it would have the least impact on the urban environment and was a more discreet intervention".<sup>15</sup>*
- 6.6 Interestingly, on 19 February 2016, the OVGA reconsidered its position and stated that it advocated that a commitment to a high quality outcome for place is needed for all level crossing removal projects whether they involve elevating or lowering road or rail. The

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<sup>15</sup> This document is available at [www.ovga.vic.gov.au](http://www.ovga.vic.gov.au). The Victorian Design Review Panel, Level Crossing Removals: Lessons Learned (2014)

OVGA have altered their position and now support the proposed solution for elevated rail for the Caulfield to Dandenong Level Crossing Removal Project.<sup>16</sup>

- 6.7 The residents consider that the Government has deliberately withheld important design, business case and comparative information in relation to the rail under road options.

## 7. CONCLUSION

- 7.1 Skyrail lacks critical community input. It has been sprung on residents and communities in a 'rushed and chaotic' manner suggesting that the proposal has not been subject to adequate planning<sup>17</sup>, with proper and informed consultation involving all stakeholders.

- 7.2 The Skyrail announcement was at odds with the community's understanding of the Government's election commitment and the community has not been properly consulted.<sup>18</sup>

- 7.3 The Premier stated in his Labor Party's Project 10,000 policy in November 2014:

*"In many cases the most effective way to remove the traffic bottleneck at a level crossing is to re-direct the rail line underground beneath the intersection. This approach is often the best way to maintain an appropriate level of amenity for surrounding residents and businesses. This engineering work requires a considerable amount of track on either side of the crossing to be submerged underground freeing up land at ground level."*

- 7.4 The then Labor Candidate for Oakleigh in November 2014 and the current Member for Oakleigh Mr Steve Dimopoulos, informed a resident by email a few days before the State election on 29 November 2014 that:

*"Final designs regarding the removal of level crossings has yet to be determined. I cannot provide you with an absolute regarding Grange Road, this is something that will be determined by independent experts, taking the politics out of it. However, I would be surprised if it is not a lowering of the rail line below the road, as this would make sense for the removal of other crossings along the same path, such as Koornang Road, Murrumbeena Road and Poath Road,"*

- 7.5 The Association has tabled before the Legislative Council 6355 signatures to date petitioning the government to give the communities along the Cranbourne-Pakenham rail corridor the rail under road design they were led to believe was the proposed design.

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<sup>16</sup> This document is available at <http://www.ovga.vic.gov.au/news/116-level-crossing-removal-project-caulfield-to-dandenong>.

<sup>17</sup> In a letter dated 8 April 2016 to Ms Dianne Hunt, treasurer LOTI from Cr Margaret Esakoff, Rosstown Ward, City of Glen Eira it was noted that *"The works in the Council road reserve have been commenced (by LXRA) without the appropriate Asset Consent Permis in place.. An application has now been received... it is likely that a permit will be issued shortly"*.

<sup>18</sup> In a letter dated 30 March 2016 to the Hon. Daniel Andrews MP, Premier of Victoria from LOTI, an invitation was extended to Mr Andrews to meet with a select group of local residents and stakeholders about the elevated rail along the Cranbourne-Pakenham rail line. At the time of this hearing before the EIC on 20 April 2016, Mr Andrews has not accepted the invitation.

This is sending a clear message to the Premier and his Government that their elevated rail plan is not supported.

- 7.6 The magnitude, scope and cost of the Caulfield-Dandenong level crossing removal project demands the provision of all commissioned and associated reports and most importantly an Environmental Effects Statement.
- 7.7 An Environment Effects Statement is imperative to identify all of the usual issues for a project of this type, including but not exclusively:
- (a) pollution and health issues
  - (b) soil and ground contamination; and
  - (c) noise and vibration impacts.
- 7.8 LOTI voices its legitimate concerns about:
- (a) environmental impacts;
  - (b) amenity and social impacts;
  - (c) financial impacts; and
  - (d) a business case, comparing the alternatives.

**LOTI respectfully seeks the following:**

- That the Caulfield-Dandenong level crossing removal project (particularly the Skyrail project) should be held in abeyance until such time as all investigations and inquiries have been made by the EIC.
- The government remove the 'cloak of secrecy' about the Caulfield-Dandenong level crossing removal project and provide to the public the Business Case and Strategy Plan, Environmental Effects Statement and all other relevant or pertinent documents, reports and studies in relation to the project.
- The EIC invite any persons it sees fit to give evidence in relation to the aforementioned issues and concerns raised by LOTI on behalf of its members and the communities along the Cranbourne-Pakenham rail corridor. LOTI respectfully suggests that the list of persons include:
  1. Mr Kevin Devlin, CEO of LXRA;
  2. the Chief Health Officer of Victoria;
  3. a representative from the Victorian Managed Insurance Authority;
  4. a representative from the Environment Protection Authority;
  5. the Director of Transport Safety;

6. the Disability Services Commissioner; and
7. experts in relation to compulsory land acquisition and voluntary purchase schemes.

**Prepared by:**

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