



Surrey Hills and Mont Albert Progress Association Inc.

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The LC Environment and Planning Committee
Inquiry into Community Consultation Practices
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Dear Committee Members

Inquiry into Community Consultation Practices

We refer to the above inquiry and thank the Committee for the opportunity to make these submissions.

The Surrey Hills and Mont Albert Progress Association (**Association**) is an incorporated, not-for-profit association. Our aim is to represent and promote the local interests of residents, ratepayers, traders and businesses in Mont Albert and Surrey Hills.

Our Association has observed that recent State governments have progressively sought to limit public involvement in planning decisions, at least since around 2019. Through planning scheme amendments, this has involved seeking to waive or bypass planning requirements for both public and private projects, often limiting public consultation.

When there is consultation and public submissions have been lodged, there is often no public hearing or independent consideration of submissions. Final consultation reports are often not made publicly available, leaving the public with no understanding as to whether relevant issues have been considered and how they may or may not have been addressed.

We recognise that development pathways need to be streamlined and innovations such as 'deemed to comply' codes can be a positive step. However, we consider that for these approaches to be effective, procedural respect needs to be maintained for the planning role of local councils with appropriate public participation. The current government and developer narrative that the housing crisis is largely caused by issues with local councils and resident groups is unhelpful in this regard, as well, in our view, as being inaccurate.

We have also observed the Engage Victoria platform is used as a convenient cover for inadequate consultation practices. The platform releases high-end graphic material and marketing information and portrays wide public engagement and almost endless rounds of consultation. In reality, the marketing

and communications approach taken tends to mask detailed explanation and proper engagement on the proposals in question, seemingly seeking to limit the public's response.

As to examples of direct experience that we might share with the Committee, many of our Association's members were directly impacted by the recently completed Union Station project (**Project**) which was undertaken by the Level Crossing Removal Project (**LXRP**) for the State. Our Association was involved in representing local views on many issues which arose out of the Project works. Accordingly, the Association and its members have recent experience of the community consultation processes adopted by the LXRP in implementing the Project which we consider are relevant for your inquiry.

We consider the consultation process used by the LXRP on the Project was flawed and we understand that our experiences were consistent with experiences at other similar project locations around Melbourne.¹

The remainder of this submission briefly addresses each of the following topics associated with the Project:

- Background
- Lack of clarity about the scope of the consultation process
- Lack of detailed information made available to the public
- Limited ability for the affected community to make meaningful impact on the Project
- Unnecessary imposition of confidentiality
- Misleading information or omission of important information
- Where constructive public input was properly considered, positive outcomes were achieved

Background

The Project involved the demolition of two existing railway stations (Mont Albert and Surrey Hills), the construction of a rail trench so that the existing Lilydale/Belgrave rail line was separated from existing arterial roads (Union Road and Mont Albert Road), thus eliminating two level crossings, and the construction of a new, consolidated railway station mid-way between the two demolished stations. The new station was to be constructed within an existing residential area, with limited access for both construction and ongoing operational purposes. The former railway stations had been located adjacent to local commercial/shopping areas (being Union Road, Surrey Hills and Mont Albert Village), which relied, in part at least, on business generated from rail commuters. Detailed design the Project commenced in around 2020 and construction was largely completed in 2024.

The Project was projected to (and did) have a significant impact on host communities, both residential and commercial, that lived and worked adjacent to the rail corridor. We considered, at the time the Project was first proposed to the public, that effective consultation with the local communities would be essential for the success of the Project.

¹ For example, in December 2021, in a joint letter to the Victorian Ombudsman signed by representatives from Mont Albert, Surrey Hills, Montmorency, Cheltenham, Pakenham and Strathmore, raised concerns about the approach to the procurement of these types of projects: *'Our shared experiences raise deep concerns around the planning and building of these projects, in particular the transparency and integrity of the process followed by the LXRP'*. Refer to Herald Sun Article, 21 December 2021: [Furious locals push for action over level crossing removal | Herald Sun](#)

With this in mind, in December 2020, our Association made a submission to the State, which included a number of steps which we considered were necessary to properly engage with affected local people to gain their support, and to generate a sense of ‘affiliation’ with the Project. We considered that locals recognised the need for the Project, but that they wanted its implementation to be considerate of, and enhance, as far as possible, the amenity of the local area.

These proposed steps included:

- Early sharing of concept plans, including release of social impact statements, for local affected stakeholders to give initial feedback. The feedback would then be taken into consideration when progressing to project interim proposal.
- That local residents, businesses and Boroondara and Whitehorse Councils be given an opportunity to make formal submissions to the LXRP team.
- Public meetings, chaired/facilitated by an independent facilitators, be held to give submitters and the LXRP team a chance to exchange views and discuss the project interim proposal to be.
- That only after this consultation, the LXRP team in consultation with Boroondara and Whitehorse Councils would make decisions about the final design and the conditions to apply.
- That the LXRP would present the final design at meetings open to impacted community members, and any further feedback would be taken on board.

In the event, none of these suggested principles were adopted.

Lack of clarity about the scope of the consultation process

From the outset of the consultation process it was never made clear which aspects of the Project were to be the subject of genuine engagement and which aspects were already effectively settled and therefore out of scope for meaningful consultation.

As a result, considerable time and effort was wasted on attempting to prosecute modifications to the overall design parameters of the Project (e.g. one station versus two; a trench rather than an elevated structure) and technical rail engineering design aspects (such as depth of trench at key locations; station platform design) that ultimately were never open to revision as the result of local consultation processes.

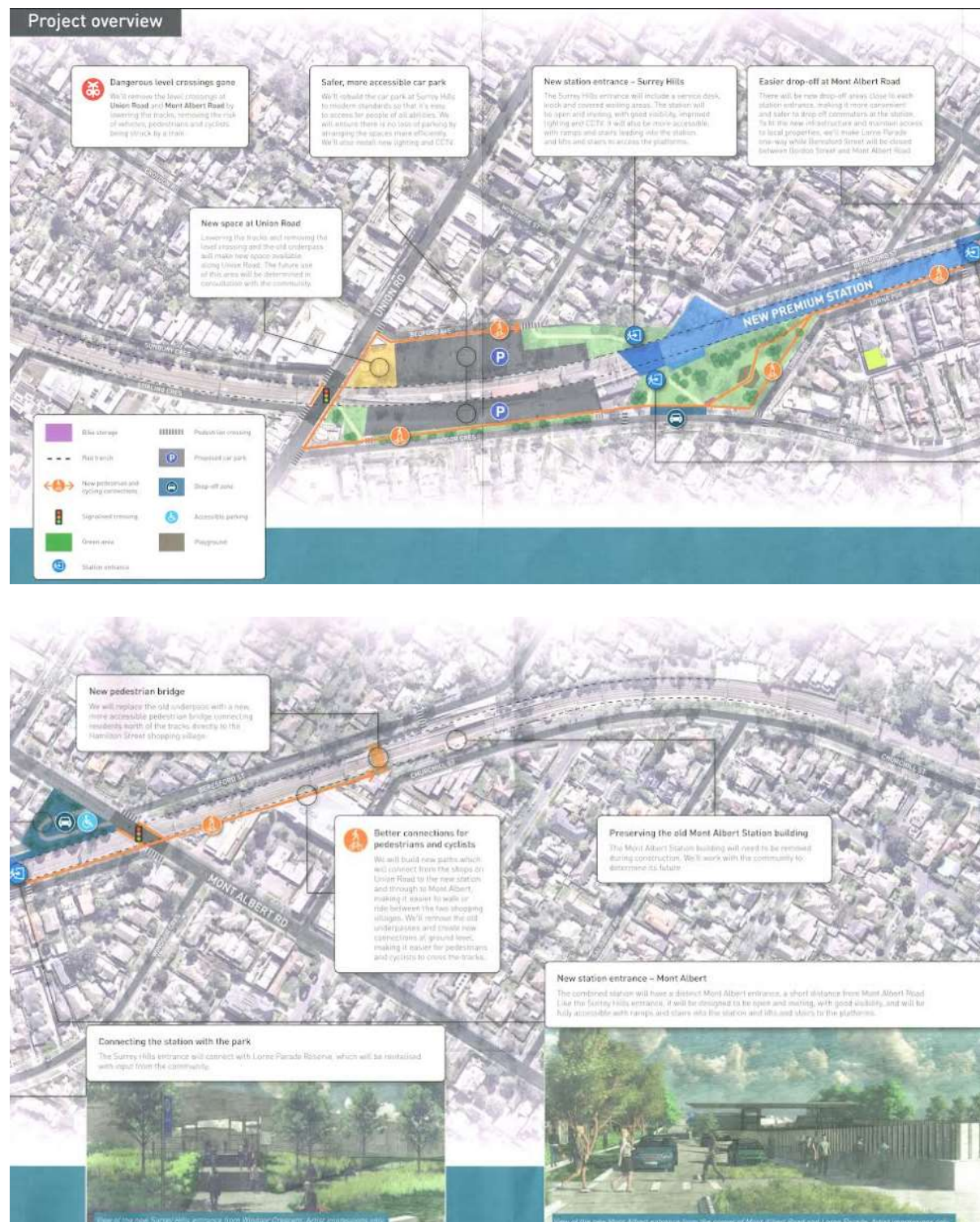
The broader impact of this flawed approach to consultation was to generate disenchantment and even anger amongst local interests that their views were not being respected and that the consultation process was not genuine. This view was further compounded by a range of other shortcomings in the delivery of the consultation process set out in the following sections.

Lack of detailed information made available to the public

At all stages throughout the design and construction process, very little detailed information was made public to inform a proper understanding of the Project and its impacts.

The information that was made available typically consisted of generalised maps providing only high-level information or idealised artists’ impressions, such as renditions of the new station and surrounds. No detailed plans or reports on the Project’s design were ever made available.

For example, the high-level plan upon which consultation was sought was in the form of a coloured ‘mud-map’ which merely showed Project ‘zones’ overlaid on an existing aerial photograph of the Project site. No detail of the proposed station, bulky rail superstructure or alterations to adjacent roads or parks, was included. An extract of this plan is as follows:



No public meetings were convened by the LXP to present the design and to allow questions and general feedback from locals. The suggestion that COVID restrictions, which were in place at the time, did not allow such meetings to take place was disproved by local community groups, including ours, organising their own public meetings to discuss the Project.²

A 'Community Reference Group' (or **CRG**) was established, and included a small group of people intended to represent the local residents and businesses and, in theory, to provide feedback to the Project designers. The CRG met on-line with Project personnel on an ad-hoc basis during the first 2 years of the Project (in 2021 and 2022), approximately every 2 months. In practice, these meetings typically involved a presentation by the Project team of the high-level Project information which had already been released to the public, and no real feedback was sought.

The consequence of this lack of detailed information was that the public, including local residents and traders, were unable to provide meaningful feedback on the proposed design of the station and surrounds.

Limited ability for the affected community to make meaningful impact on the Project

Most of the key design aspects of the Project were not made the subject of public consultation. These aspects included: whether two stations should be maintained; the location of the final railway alignment and whether the railway would be trenched; the location and form of the station building; details of site access provisions and where entrances would be located; the siting of ancillary infrastructure; the extent of carparking that would be provided; and links to existing commercial precincts.

The aspects that were opened for public consultation were generally issues peripheral to the main Project elements, such as: some aspects of landscaping; colours to be used on screens and other minor Project features (such as public art); pedestrian and cycling links; play spaces; the 'style' of seating; the 'overall look and feel'. Ultimately, significant time was wasted in seeking feedback on what were largely superficial and less important issues, leading the process away from discussion of key aspects of the Project.

And, in any event, much the feedback that was received was ignored. For example, consultation reports prepared by the LXP for the Project,³ noted the following feedback:

- *'the heritage and historical aspects of Surrey Hills and Mont Albert should be reflected in the design, including the use of bluestone, brick and timber materials'*. These elements were not reflected in the final design of the station building and its surrounds.
- *'open space, trees and greenery are important when considering the station precinct design'*. The final design of the station precinct resulted in a significant reduction of existing public open space and the permanent loss of existing, established trees and vegetation.
- That respondents preferred *'Larger shrubs and plants that provide some cover of the trench and rail infrastructure'*. Contrary to this, low-height shrubs and plants have been planted along much of the trench, particularly adjacent to the new station.

² The Surrey Hill Progress Association (the former name of this Association) held a public meeting at Our Holy Redeemer Hall in Mont Albert on 29 April 2021. Approximately 200 people attended, including the MLA for Box Hill.

³ Refer 'Union Road and Mont Albert Road Consultation Report' 2021 and 'Union Road and Mont Albert Road Second Consultation Report' May 2022.

The LXRP's approach to consultation on the Project design gave the unfortunate impression that the Project proponents did not want to receive and implement feedback in relation to any of the central aspects of the Project. It appeared the process was only being undertaken to give the impression that public consultation has taken place for the Project. In reality, no substantive consultation took place.

Unnecessary imposition of confidentiality

The Project community liaison team's insistence on maintaining confidentiality in relation to the majority of its interactions with households, community groups, local government and impacted individuals was inappropriate and inconsistent with delivery major public infrastructure in an open and transparent manner.

Notable was the treatment of the LXRP's meetings with the CRG, and its equivalent during the construction phase, the Construction Liaison Group (or **CLG**). These groups, the CRG and CLG, were intended to represent broad public interests. However, the LXRP insisted that the information discussed in the meetings was to be kept confidential (i.e. not shared outside the groups). In essence, this meant that the members of the CRG and CLG could not share any information discussed in those meetings with the local communities they were supposedly there to represent.

Additionally, when arranging with individual households the mitigation measures to be applied for Project impacts, such as relocations during noisy or night works, and the provision of mitigation measure such as additional plants to screen the new structures or lighting, the LXRP insisted that the measures would only be provided if household members agreed not to disclose any details of those measures being provided.

Furthermore, it became apparent during our interactions with local government officials tasked with dealing with the LXRP that those officials were also required to be bound by confidentiality obligations regarding the Project. This included being prevented from communicating details of the Project with the elected councillors to whom they were responsible.

Misleading information or omission of important information

The LXRP repeatedly issued misleading 'details' of the Project and its features, and in some instances failed at all to provide information about Project impacts. Following are some examples of this.

Lorne Parade Reserve

Lorne Parade Reserve was an existing park located adjacent to the planned location for the Union Station building, in the general context of limited public open space in Surrey Hills and Mont Albert. As such, maintaining the existing open space at the reserve was seen by local people as a key issue for the Project.⁴

This was recognised by the LXRP. In its second consultation report, the LXRP stated: *'We've designed the station precinct to maximise the surrounding open space and rejuvenate Lorne Parade Reserve, which will form the green heart for the new station.'*⁵

⁴ For example, refer to Herald Sun Article, 8 November 2021: [Surrey Hills, Mont Albert train station: Super station plans to be taken to court | Herald Sun](#)

⁵ Refer 'Union Road and Mont Albert Road Second Consultation Report' May 2022, at page 3.

While it was apparent from the LXP's communications during the course of the Project that some of the reserve would be lost to accommodate the new station entrance, the affected community was assured by the LXP that the loss of open space would be minimised and that the park would be upgraded.

Following are some of the plans and images released to the public:⁶



However, what was never communicated was that a significant portion of the open space in Lorne Parade Reserve would be lost due to the construction of a major stormwater retarding basin. The implementation of this feature only became apparent during construction and came as a complete surprise to local people. The various artists' impressions issued for Lorne Parade Reserve, including the one above (which was the extent of the 'design' detail released to the public) gave no indication that open space in the park would largely be lost.

⁶ Included in LXP document 'Lorne Parade Reserve – A Modern Green Space', June 2021.

The following aerial photograph shows the extent of the reserve prior to the Project:



The following second aerial photograph shows the 'revitalised' park following the Project works, and clearly depicts the extent to which the new retaining basin has reduced the amount of available open space:



Failure to communicate this change, on an issue that was recognised by the LXP as being of high importance to the local community, represents a significant instance of bad faith on the part of the LXP and resulted in a further loss in confidence in the LXP generally.

Trees and landscape

A large number of significant established trees (100s) were removed from the Project surrounds, including in Lorne Parade Reserve, but also in the streets adjacent to the rail corridor, such as Lorne Parade and Beresford Street. Maintaining the streetscapes to the greatest extent possible was another issue of contentious local importance. Reflecting this, in its second consultation report, the LXP stated: *'We have heard that trees and greenery are highly valued by the local community, and important to the character of the area. In direct response to this feedback, the project has committed to retaining mature trees, where possible. This includes most of the mature oak trees along Windsor Crescent. Each tree in the project area has been individually profiled to help our team understand potential impacts to vegetation and wildlife. Where trees are to be retained, we install physical barriers to protect them during construction'*.

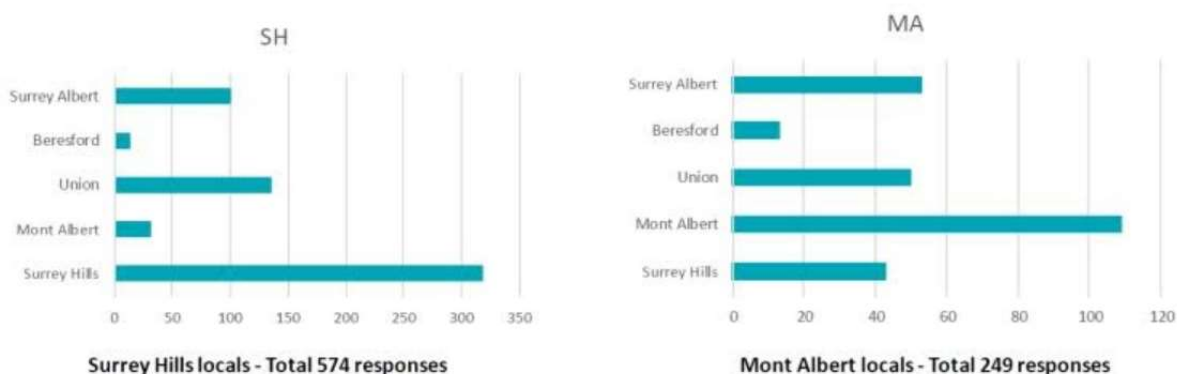
Despite this commitment, when pressed on what specific plans had been made to address this issue across the different areas of the Project, the LXP's response was typically that trees and vegetation would be planted to exceed the trees and vegetation removed (although this might be in locations remote from the Project).

Ultimately, the Project resulted in a significant loss of established tree canopy with only 'skeletal' replanting with a consequential serious negative impact on local streetscapes and environment. As with the loss of open space, the extent of these losses was not properly communicated and only became apparent as construction was completed.

Naming of new station

The public was consulted as to potential new names for the station. Five possible names were proposed for consultation with residents from areas surrounding the Project site. The results of this consultation are included in the following summary:

First preferences from Surrey Hills and Mont Albert locals



- Majority of Surrey Hills locals preferred Surrey Hills, while the majority of Mont Albert locals preferred Mont Albert.
- However, there were nearly twice as many submissions from Surrey Hills locals than Mont Albert locals
- The amount of support for Surrey Hills from Mont Albert locals as a first preference is relatively small.

What was not communicated at the time is that two of the five proposed names were ineligible for nomination, being 'Surrey Hills' and 'Surrey Albert', as determined by Geographic Names Victoria (GNV), and that this had been advised prior to the consultation.⁷ Despite being ineligible, 'Surrey Hills' was the preferred name by a clear margin.

While it would have been appropriate in these circumstances for the LXR to have conducted a further consultation based on only eligible names, instead the name 'Union' was chosen for the station. This gave the impression that the selection of this name was predetermined, and that no genuine consultation was being sought.

Other failures to inform

Another issue that was never communicated was the extent and bulk of ancillary infrastructure, such as highly visible overhead gantries, heavy raw concrete walls and many (>20) large (3x3x1 metre) steel cabinets for services located in prominent street locations where trees had previously been present. The overall effect has been to convert a leafy green rail corridor into a semi-industrial landscape.

-Where constructive public input was properly considered, positive outcomes were achieved

There were limited instances where constructive suggestions arising from the community consultation process were adopted and an improved outcome on the Project's original design was achieved.

One case was the preservation and re-purposing of the old Mont Albert Station building, a heritage structure that was to be demolished as part of the Project works. The LXR consulted on the possible salvage and re-use of the building. Although not explicitly sought by the LXR, a design was developed by local interests for a new plaza area to be constructed at Mont Albert village over the top of the new rail trench (as an alternative to the narrow footbridge put forward in the original project design), with the old station building to be re-furbished and installed as a community space at the plaza. This work was carried out, and the new Mont Albert Plaza will become an important and valued asset for Mont Albert locals.

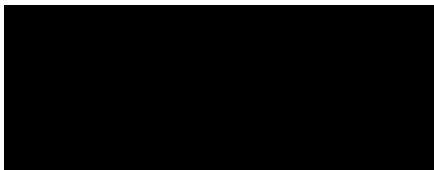
⁷ Refer to 'Briefing for Minister for Transport Infrastructure' re 'Union/Mont Albert Level Crossing Project - Station Name brief 2.0' dated 23 March 2022.

Summary

We wish to acknowledge the efforts that were made by the LXP and its liaison team to engage with local residents and traders during the Project, in particular the efforts to mitigate the impacts on residents and businesses during the Project construction period. The issues set out above are intended to highlight where we consider the processes can, and should, be improved. In particular, seeking genuine affected-community input on key Project elements. Ultimately, our view is that such improvements will result in significantly better local 'buy-in' on Projects and will lead to much better Project outcomes.

We trust that the submissions and details above are useful to the Committee. We are available for further discussion and to provide additional detail should the Committee require it.

Yours faithfully,



Chris Horsfall
President
Surrey Hills and Mont Albert Progress Association

The Surrey Hills and Mont Albert Progress Association acknowledges the Wurundjeri Woi Wurrung people of the Kulin Nation as the traditional owners of the land in our area. We pay our respects to their Elders, past, present and emerging.