

Craigieburn Bypass Consultation and Sustainability

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Executive Summary

The Craigieburn Bypass (F2 Freeway) was completed in December 2005 to extend the Hume Freeway to the Metropolitan Ring Road and avoid delays along the existing Hume Highway into and out of Melbourne.

There was no Environmental Effects Statement (EES) required by the government, and instead an Advisory Committee was appointed to receive submissions and conduct public hearings before making its recommendation on the preferred freeway alignment.

Following the recommendation (Option 5) put forward in the first report by the Advisory Committee and a change of Victorian Government in 1999, a second round of options was released. The final alignment (Option Y) was chosen to minimise disturbance to the Grasslands listed on the Register of the National Estate, and Merri Creek habitat, which also contains Aboriginal sites and artefacts (Muir, 2000).

Option Y has one creek crossing intersecting the Northern Grasslands at Curly Sedge Creek, which is still problematic in terms of blocking the natural wildlife corridor. Other ecological issues arising from the Bypass include allowing adequate buffers around the Grasslands and Red Gum woodlands, weed invasion from construction work and passing vehicles, monitoring water treatment of run-off and the effectiveness of wildlife tunnels, and noise and air pollution. In particular, Greenhouse Gases (GHG) and Climate Change were not considered in this process, and it was the opinion of the Chair of the Advisory Committee that this issue would be addressed in other spheres of government by vehicle emission controls and petrol quality.

Environmental community groups were not satisfied with the options and submitted an alternative transport package (Option 8) of public transport and rail freight expansion. The Advisory Committee concluded that this was no option to a freeway link, and outside its terms of reference.

There were community concerns about the lack of an EES, and suggestions were made to government on how to make the consultation and decision-making process more collaborative. Nevertheless, the same Advisory Committee process went ahead and the government accepted the final recommendation in its second report.

Shortly afterwards, an independent study 'Melbourne's Northern Gateway an Integrated Approach: An Alternative to the Merri Creek (F2) Freeway, based on Highway, Public Transport and Rail Freight Improvements' was released by consultants (Russell Report, March 2001) for the Metropolitan Transport Forum (MTF) and Cities of Darebin, Melbourne, Moreland and Yarra. It also included a Cultural and Heritage Park in the Northern Merri Creek Valley. Several months later, following the decision to fully fund the Bypass for \$306 million, the Federal Minister for Transport and Regional Services wrote to the Victorian Minister seeking assurance that the Russell Report would be appropriately considered (Federal Court of Australia, 2003).

In the Federal Court, Friends of Merri Creek (FOMC) successfully challenged the Federal Government's refusal to give reasons for its decision to fund the Bypass. The Russell Report was used as evidence in a second Federal Court case that feasible and prudent alternatives were not considered to protect a place in the Register of the National Estate, in breach of the Heritage Commission Act 1975. However, the delegate to the Federal Minister for Transport claimed that the costings in the Russell Report were underestimated and would be prohibitively expensive. Also, the assumption of increased public transport use was contrary to Victorian Government advice (Federal Court of Australia, 2003). Hence, the judge found that the delegate had complied with the Act.

A local landowner and quarry operator is involved in an ongoing court case with VicRoads and the Victorian Government over the alignment and feeder roads on his property, and saving Clonard Homestead from demolition. VicRoads used this as an excuse for not participating in the Craigieburn Bypass study.

Strategic need for the Bypass is another issue that many of the participants in the consultation process believe was not clearly demonstrated. The Chair of the Advisory Committee relied on the proponent, VicRoads, to provide this information and was instructed by the Minister for Planning and Local Government (MPLG) that the Committee could seek additional information if there were any weaknesses in project justification. The "Terms of Reference require the Committee to determine whether an acceptable alignment is available" (Advisory Committee Report, 1999, p. 68).

VicRoads' Hume Freeway Metropolitan Ring Road to Craigieburn Planning Assessment Report (PAR) 1998 did not directly address strategic need, and the Committee considered it appropriate to not have to justify it on the basis of traffic needs, and inappropriate to question government policies (Advisory Committee Report, 1999).

The position of the Federal Department of Transport and Regional Services was that the existing Hume Highway was reaching capacity and would not adequately meet the future needs of National Highway users (Advisory Committee Report, 1999).

The extent to which this 17km Bypass will satisfy expected traffic projections and the bottlenecks it creates at adjoining roads appears to have been overlooked by both the Victorian and Federal Governments. By not providing alternatives to road transport, it has been argued that freeway development induces traffic, rather than relieving congestion (Merri Creek Coalition, 2000; Russell Report, 2001).

VicRoads' plans for further freeway connections were not disclosed in this process, but there are suspicions that it could be part of the longer F2 Freeway first proposed by Wilbur Smith and Associates in 1969 (Russell Report, 2001). This would enable a connection to the Scoresby Freeway (under construction, now known as EastLink) to access Melbourne's East.

In conclusion, the concerns highlighted in the Russell Report and by the Merri Creek Coalition of environmental and community groups indicate that despite government rhetoric about ecologically sustainable development, Victoria is a long way from ensuring that public transport is made a priority over road transport.

Introduction to study

The current study is part of a comparison of community consultation and management processes for major road infrastructure projects. Main Roads WA commissioned the study, and the Craigieburn Bypass was chosen as a similar size road project to the Roe Highway Stage 7 being examined by the Institute for Sustainability and Technology Policy (ISTP) at Murdoch University in Perth.

Part 1: identification of key events in the timeline and the main stakeholders

Part 2: interviewing a cross-section of stakeholders about their role and involvement in the planning and implementation process, and particular experiences and recollections of it

Part 3: transcribing interviews

Part 4: analysis to be conducted by the ISTP researchers

Interviews

Stakeholders were phoned to briefly explain the study and gauge their interest in receiving further information. An introductory letter, information sheet and consent form was then sent out to those who were interested. Face-to-face interviews were arranged by phone a week after posting the information.

Ten interviews were conducted for this study each varying in length from under an hour to two hours where the participant was keen to continue. Interviews were recorded for the purpose of transcribing, and all personal information stored separately to the transcripts.¹

It is worth noting that VicRoads refused to take part in this study and did not assist in providing information or documents relating to the F2 Freeway planning and consultation process. The Department of Infrastructure (DOI) Environmental Impact Assessment Coordinator also refused to be interviewed.

FOMC declined to take part in the interview process for concerns about the intended purpose of information gathered by Main Roads WA, and to avoid being implicated in any further road building projects. They did, however, provide records of key events and their involvement in the consultation process.

¹ Transcribing occurred interstate, and the transcriptions were then to be returned to the interviewer to proof read and fill in the missing gaps. However, there were delays in the process and not all transcripts were returned.

Glossary

AD(JR)	Administrative Decisions (Judicial Review) Act 1977
CRB	Country Roads Board
DNRE	Department of Natural Resources and Environment
DOI	Department of Infrastructure
DSE	Department of Sustainability and Environment
EA	Environment Australia
EDO	Environment Defenders Office
EES	Environmental Effects Statement
EPBC	Environment Protection and Biodiversity Conservation Act 1999
EP(IP)	Environment Protection (Impact of Proposals) Act 1974
EV	Environment Victoria
FOI	Freedom of Information
FOMC	Friends of Merri Creek
GHG	Greenhouse Gas
MCMC	Merri Creek Management Committee
MMBW	Melbourne and Metropolitan Board of Works
MMPS	Melbourne Metropolitan Planning Scheme
MPLG	Minister for Planning and Local Government
MTF	Metropolitan Transport Forum
PAR	Planning Assessment Report
POWRE	People of Whittlesea Refusing Entry
PTUA	Public Transport Users Association
RCA	Road Construction Authority
VCAT	Victorian Civil and Administrative Tribunal

Merri Creek Consortium

MCMC
FOMC
EV
PTUA
Wurundjeri Tribe Land Conservation and Cultural Heritage Council
Pascoe Vale Naturalists
Moonee Ponds Creek Association
Craigieburn Development Group

Merri Creek Coalition

MCMC
FOMC
PTUA
EV
Pascoe Vale Naturalists
Moonee Ponds Creek Association
Moonee Ponds Creek Coordinating Committee
CERES Community Environment Park

Section A

History

American transport planning consultants, Wilbur Smith and Associates, first proposed the F2 Freeway in 1969 to run along the Merri Creek Valley and join with other freeways near Clifton Hill as part of their extensive freeway plan for Melbourne (Russell, 1991; Russell Report, 2001). The plan was made without reference to existing infrastructure and housing or the enormous cost of construction (Russell, 1991).

In 1973 there was a change in transport policy at both State and Commonwealth levels and the Victorian Government abandoned the Wilbur Smith freeway plan. There was considerable community opposition to the freeway plan, and, together with cost, other issues were influential such as concerns with excessive car use and world oil depletion (Russell, 1991). Public transport was also experiencing a renewed interest in many international cities.

The Commonwealth Bureau of Roads released a report in 1973 'The Effect of Stopping Freeway Construction in Capital Cities' and one in 1974 'Freeway Plans of State Capital Cities' and concluded that radial freeways should not be provided where the principal justification is journey to work in the CBD (Russell, 1991).

The National Road Program was established by the Commonwealth in 1974 to fund nationally important roads.

In 1975 a reservation was made for the Hume Freeway connection between Craigieburn and the Western Ring Road and inserted into the Melbourne Metropolitan Planning Scheme (MMPS). The reservation passed through the Craigieburn and Cooper Street Grasslands.

The declaration of National Highway in 1985 for the Hume Highway under the Federal National Highway Program enabled Federal funding to upgrade the Hume and provide a freeway connection. The National Roads Strategy was broadened to include metropolitan arterial routes to improve transport efficiency, especially of freight, for the benefit of national economic performance (Russell, 1991). This was the main justification for building the Craigieburn Bypass to avoid the heavy truck congested section of the Hume Highway.

In 1994 Victorian Government policy Linking Melbourne, the F2 is shown in the Metropolitan Transport Plan. In 1995, the Freightway Melbourne Strategy recommends extending the Hume Freeway to the Western Ring Road to bypass existing highway delays. In 1996, Transporting Melbourne: A Strategic Framework for an Integrated Transport System in Melbourne identifies the extension of the Hume Freeway to the Western Ring Road as a national and regional road link for development (Advisory Committee Report, 1999).

Planning and environmental issues

The Merri Creek Management Committee (MCMC) carried a motion in its October 1995 meeting to seek removal of the F2 Freeway reservation so that the full potential of the Merri Metropolitan Park could be realised. It recommended that VicRoads provide full and public disclosure of its case for the need for the freeway connection at this location, and that VicRoads examine and provide costings of an upgrade of the Hume Highway. If planning for the proposed freeway proceeded beyond the preliminary stage, there should be a full EES.

In 1996, the Craigieburn Grasslands Flora and Fauna Reserve was created under the Victorian Government's Conservation and Environment Policy 'A Clean and Green Victoria'. This included a commitment to move the freeway reservation to the eastern boundary of the Craigieburn site. The Commonwealth National Reserve System Program contributed towards the purchase and protection of a 402 ha block of the Grasslands.

The MPLG decided in 1997 that an EES was not required, and that an independent Advisory Committee would be established to provide advice on the planning process and make recommendations on the alignment of the freeway link. The F2 Freeway project was designated under the Environment Protection (Impact of Proposals) Act 1974 by the Federal Department of Transport and Regional Development, and VicRoads was nominated as the proponent. FOMC was not satisfied with this decision and wrote to the Ministers for Planning and Roads requesting their reasons for not having an EES.

Environment Australia (EA), on behalf of the Commonwealth Minister for the Environment, made a submission to the Advisory Committee on 'Commonwealth Environmental Assessment Process Requirements' recommending that the Committee consider viable alternative alignment options, including a 'no construction' option, and the extent to which alignment options will potentially reduce the beneficial use of the Grasslands.

In September 1997, the Advisory Committee convened a stakeholder meeting to explain the planning process, and present VicRoads' Hume Freeway Link Project. Stakeholders included environmental groups and local, state and federal government departments and they were invited to comment on the process and suggest matters that should be investigated. Taking into account issues raised at the meeting, amendments were made to the EA submission requiring VicRoads to submit alternative transport options when assessing the need for the proposal, and that the Advisory Committee should consider releasing a draft report for public comment (VicRoads, 1998; Advisory Committee, 1999).

The MPLG agreed to the Commonwealth cooperative arrangements and recommended that the DOI rather than Advisory Committee take on the role of Victoria's agency for the EA process, and that the MPLG would prepare and submit an Assessment Report to the Victorian Minister for Roads and Ports and the Commonwealth Minister for the Environment once the Advisory Committee's report was received (Advisory Committee, 1999).

The Advisory Committee received permission from the MPLG in 1998 to change its terms of reference to allow the Committee to recommend to the Minister that some routes be removed. This prompted FOMC and Environment Victoria (EV) to write to EA expressing their concern that the process no longer met Commonwealth requirements. As well, FOMC made a Freedom of Information (FOI) request for documents relating to the Minister's decision for having no EES, the original Advisory Committee's Terms of Reference, Commonwealth requirements, and requests to delete options from the Terms of Reference.

A new item was added to the Advisory Committee's Terms of Reference by the MPLG to enable the Committee to recommend any relevant planning or other measures to manage land use and to protect native grasslands and other environmental features in the area affected by a recommended freeway alignment. The MPLG also advised the Chair of the Committee that in addressing the need for the freeway link the focus should be on road transport in the Hume Corridor.

From October to December 1998, VicRoads exhibited its PAR with seven options for the Hume Freeway. Options 1 to 5 were east of the Hume Highway. Option 6 involved upgrading the existing Hume Highway to Freeway standards. Option 7 was to the west of the Hume Highway using the E14 corridor. According to VicRoads' evaluation, Option 6 was not viable because of its severe impact on businesses and the residential area, the high cost of construction and reduced transport benefits. VicRoads preferred Option 1 for its estimated low cost, high traffic benefits and moderate impact. However, it is worth noting from VicRoads own assessment that Option 6 would have the least impact on flora and fauna, and Aboriginal or historic sites (VicRoads, 1998).

In October 1998 the Craigieburn and Cooper Street Grasslands were added to the Register of the National Estate under the Australian Heritage Commission Act 1975. They were judged to be significant based on the qualities of rarity, diversity, size and habitat value. This would provide further protection for the Merri Creek Valley by assessing the impact of the options on these qualities with the objective to maximise the conservation of biodiversity and critical habitat.

The MCMC and seven other groups, known as the Merri Creek Consortium, lodged a submission with the Advisory Committee outlining a new 'Option 8 – A Genuine Solution' package involving public transport and rail freight upgrades, improvements to the Hume Highway and the creation of a Merri Creek Grasslands Park. These groups were critical of the PAR not demonstrating the need for a freeway, and not investigating a non-freeway option such as public transport. According to the Consortium, the PAR did not demonstrate that there was a serious transport problem to be addressed and that construction of a freeway is the most effective way of solving the transport problem (Advisory Committee, 1999). The Committee concluded that public transport could not meet the need for the F2 in traffic terms, and went on to add that improvements to public transport were not relevant to the consideration of alternative route options for the Hume Freeway and relate to government policy, which was not the Committee's task to examine (Advisory Committee, 1999).

Moreland City Council also questioned the need for the freeway and rejected the notion that freeways are an inevitable solution to traffic problems. The Committee, however, considered it appropriate to rely on a strategic need for the freeway without having to justify it on the basis of traffic needs (Advisory Committee, 1999). The strategic need being that the F2 meets the objectives of the National Highway Strategy. Once again, the Committee did not consider it appropriate to question the objectives or strategies behind government policies (Advisory Committee, 1999).

In September 1999, EV wrote to the Commonwealth Minister for the Environment requesting an independent assessment of the F2 Freeway, in particular the need for the F2 Freeway and any feasible and prudent alternatives.

The MTF wrote to the new Victorian Minister for Planning, John Thwaites, in December 1999 expressing concern about VicRoads' PAR and requesting the public release of the Advisory Committee Report.

The Advisory Committee noted a shortcoming in the consultation process for the Craigieburn Bypass was the lack of a Community Consultative Committee, which is a key feature of the EES process at the outset to scope the issues and identify areas of community concern. If there had been a community consultation process at the start, many of the concerns expressed in the panel hearings could have been addressed (Advisory Committee, 2000).

In January 2001, the MTF in association with the Cities of Darebin, Melbourne, Moreland and Yarra commissioned an independent study to develop and cost a package of improvements to public transport, rail freight and road infrastructure along the existing Hume Highway as an alternative to the Craigieburn Bypass. The key emphasis was that transport planning and investment should be integrated, involving all modes of transport.

FOMC and MCMC wrote to EA in May 2001 outlining their concerns with the Victorian Government assessment and requesting that the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999 be applied to the F2 Freeway proposal. FOMC also wrote to the Commonwealth Minister for the Environment seeking assessment of the F2 Freeway proposal under the EPBC Act.

The Minister for Environment and Heritage received advice of modification to Option Y from the Victorian Minister for Planning in July 2001.

In August 2001, FOMC requested reasons for the Federal Transport Minister's decision to approve the F2 Freeway. The Federal Minister for Environment advised the Federal Minister for Transport that decisions made on the Bypass would be subject to conditions in EA's assessment notes.

The Minister for Planning approved Amendment C22 to the Hume Planning Scheme in late August 2001, including the new Public Acquisition Overlay for the Freeway and deletion of the existing Public Acquisition Overlay on the previous Freeway route.

In November 2001, the Assistant Secretary of Roads Investment, Department of Transport and Regional Services, replied to the request from the Environment Defenders Office (EDO) for reasons for the Transport Minister's decision on the Bypass, and advised that FOMC was not entitled to make a request under S13 of the AD(JR) Act 1977 as FOMC was not a person aggrieved by the decision.

The Federal Minister for the Environment in March 2002 certified that the impacts of construction, operation and maintenance of the Bypass modified Option Y were assessed under the EPIP Act.

Key events and decisions

In April 1999 the Advisory Committee held a directions hearing to establish the procedures for future hearings. Twelve days of public hearings occurred in May 1999 in response to the alignment options in the PAR. There were 46 written and 59 oral submissions.

The October 1999 Advisory Committee Report 'Hume Freeway: Relocation of Hume Freeway Between Craigieburn and Metropolitan Ring Road' recommended Option 5 with a modification to move further east in one section to minimise intrusion on Craigieburn East Grasslands or impact on the Curly Sedge Creek. The Committee also recommended that construction of the F2 should not commence until a project environmental strategy plan was prepared.

The MPLG asked DOI in early 2000 to carry out a further investigation to determine if a superior option may be available, taking account of the wider land use and transport planning context. The DOI working party convened with input from DNRE and VicRoads.

In July 2000, the Advisory Committee released its report, together with the DOI Working Party report 'Hume Freeway F2 Link, Craigieburn to Metropolitan Ring Road: Review of Route Options and Environmental Measures' with new Options X, Y and Z and the impacts compared to Option 5, which was intended to respond to the concerns expressed at the public hearings. Option X was based on previous Option 1 but avoided the Craigieburn Grasslands by a northerly extension bisecting the Nubrik site (Craigieburn East Grasslands). Option Y was based on previous Option 2 but relocated close to Craigieburn Road East to avoid the nationally significant areas of the Craigieburn Grasslands. Option Z based on previous Option 1 bulged to the east to relocate close to Craigieburn Road East to avoid the nationally significant areas of the Craigieburn Grasslands. The final decision whether to adopt Option X, Y, Z or 5 depended on the relative weights given to consideration of ecological and heritage differences, issues of land use control, project implementation costs, and local impacts. VicRoads decided that modifications to Option 5 would be too costly and have marginal environmental benefits, and a reduced benefit/cost ratio.

The Minister for Planning appointed an Advisory Committee in August 2000 to conduct public hearings and investigate and report on matters in its terms of reference for the Hume Freeway link between Craigieburn and the Metropolitan Ring Road. This Committee comprised the same people and Chair as appointed by the former Liberal State Government for the previous Advisory Committee in 1997.

In September 2000, FOMC organised a public meeting attended by over 300 people and carried three motions supporting the creation of a major new park along the Merri Creek, a comprehensive and sustainable transport strategy for the northern suburbs, and an open and consultative process to develop the strategy.

Also, in September there was a meeting between Assistant Minister for Planning, Justin Madden, Minister for Transport, Peter Batchelor, DOI and other staff, and FOMC, MCMC and the PTUA to discuss the best way to address the further recommended options. These community groups suggested a more collaborative process with a chair and facilitator acceptable to the stakeholders, and gave the Ministers copies of Melbourne Water's 1993 'Working With our Customers and the Community' as a framework for a consultative approach.

A directions hearing took place in October 2000 and VicRoads was requested to provide 12 further pieces of information, including the government's proposals for public transport improvements within the Hume Corridor and the proposed rail freight terminal at Somerton, percentages of truck traffic, origin and destination of traffic within the Hume Corridor, potential critical habitat under the Flora and Fauna Guarantee Act 1988, 'road effect zone' and the effect of noise on grassland birds (Advisory Committee, 2000).

Public hearings were held in October and November 2000 to consider the further proposed options. There were 91 submissions. The Merri Creek Coalition, together with the Councils of Moreland and Darebin, called for a more open, collaborative approach to find solutions and agreement among stakeholders.

In early December 2000, the Advisory Committee and representatives of VicRoads, Parks Victoria and DNRE inspected the Grasslands and each creek crossing. The Committee Report to consider the DOI Working Party Review and public submissions was submitted in the same month. 1,930 submissions were received, including form letters.

As well as Options X, Y, Z and 5, the Committee was required to consider options of upgrading the existing Hume Highway as a duplicated highway and as a freeway. Option Y was recommended to avoid important native grasslands containing rare and endangered flora and fauna. It was also recommended that VicRoads implement the Water Sensitive Road Design Strategy to treat run-off from the freeway, and that a regional park be established based on high conservation, heritage, landscape and recreational values in the Merri Creek Valley.

In February 2001, the Minister for Planning provided assessment of the environmental effects of the Craigieburn Bypass proposal to the Commonwealth Minister for Environment and Heritage, Commonwealth Minister for Transport and Regional Services, Victorian Minister for Transport, and Hume and Whittlesea Councils. It was stated that although an EES process might have offered certain advantages, the two-stage Advisory Committee process provided a very thorough and independent public inquiry into issues and options for the development of a freeway link from the Metropolitan Ring Road to Craigieburn. It was considered that the need for the freeway was adequately established through the modelling of future traffic volumes

on the Hume Highway south of Craigieburn and related traffic origins and destinations in the northern Metropolitan area. The decision was made to adopt the Advisory Committee's recommendation of Option Y. Other recommendations to be adopted included that a structure plan should be prepared for the area between the freeway and Merri Creek to provide for protection of significant environmental values as well as development of open space, the proposed Craigieburn Bypass and Environs Coordination Group should function as a taskforce to lead development of the regional park, and VicRoads should develop a program to systematically monitor the outcomes of the traffic modelling produced in conjunction with the Craigieburn Bypass project. The government's preferred freeway route Option Y was announced by the Victorian Minister for Transport. Later in February, the Advisory Committee released its report and Planning Minister's Assessment to those parties who made submissions at the panel hearings.

A group of Lalor residents formed People of Whittlesea Refusing Entry (POWRE) and gathered 1,700 signatures in one day in March 2001 against the freeway. They were angry that the local council and MPs had not consulted them about the Merri Creek Freeway, and they were concerned about destruction of the local park and golf course, as well as noise and respiratory health impacts from the freeway.

In March 2001, a team of consultants lead by Professor Bill Russell released the report 'Melbourne's Northern Gateway an Integrated Approach: An Alternative to the Merri Creek (F2) Freeway, based on Highway, Public Transport and Rail Freight Improvements' for the MTF and Cities of Darebin, Melbourne, Moreland and Yarra. It demonstrated an integrated transport solution for the Hume Highway Corridor and the flaws in the arguments used to support the Bypass, such as reducing truck traffic and congestion. In contrast, it was estimated that all the trucks using the Hume Highway could be replaced by ten freight trains each way per day. This package gives equal or greater priority to public transport and rail freight investments over highway enhancement, and values the environmental qualities of the Northern Merri Creek Valley as more important than a transport corridor for the road haulage industry. A Cultural and Heritage Park in the Northern Merri Creek Valley was also proposed to protect the important environmental and cultural heritage values, instead of building a freeway there. The report was submitted to the State and Federal Ministers for Transport.

The Transport Minister, Peter Batchelor, publicly slammed the Russell Report and Darebin and Moreland Councils. The government's arguments against the report were that the median widths for the upgrade of the Hume Highway would be unsafe, there would be traffic delays for through and turning traffic, and more trucks along Sydney Road and residential areas. The Minister stated that the government had sold off the freeway reservation along the Merri Creek south of the Ring Road and was developing housing and parklands along the former route, and claimed that people who lived closest to the proposed Craigieburn Bypass were in support of the project based on submissions to the planning panel.

In May 2001, 190 people attended a public meeting held by POWRE where Professor Bill Russell spoke about the alternatives to the freeway, and Peter Batchelor defended the freeway. Another meeting was held in June 2001 where 70 people attended and a

motion of no confidence in Peter Batchelor for his role in the freeway was carried without dissent.

The Deputy Prime Minister and Minister for Transport and Regional Services, John Anderson, announced approval for Option Y freeway route in August 2001, agreeing to a realignment of the Bypass around the Whittlesea Gardens taking into account community concerns about the noise impact on residents and pressure to save the Gardens. Changes would be made to the relevant planning schemes, and the extra cost would be absorbed into the overall \$306 million project budget. The Federal Member for McEwen, Fran Bailey, lobbied strongly for the Whittlesea Gardens to be saved.

On 30 August 2001, the Assistant Secretary (Roads Investment), Department of Transport and Regional Services, approved the \$306 million funding of the proposed Craigieburn Bypass. The Commonwealth Minister for Transport and Regional Services announced the decision to fund the Craigieburn Bypass on 5 September 2001. On the same day, tenders closed for expressions of interest for multi-disciplinary teams to work on construction of the Bypass.

The Federal Minister for Transport sent a letter in September 2001 to the Victorian Minister seeking assurance that appropriate consideration be given to the Russell Report and its proposed alternative to the planned realignment. The letter mentioned that there were many recommendations in the Report covering public transport and rail freight options which might merit consideration “following finalisation of the route selection process” (Walters, 2002, p. 5; Federal Court of Australia, 2003, p. 7).

In November 2001, tenders closed for VicRoads’ Contract 5390 – development of urban design and architectural concepts for a significant gateway and associated noise walls, and Contract 5378 – design and construction of bridgeworks and associated roadworks for the Bypass adjacent to the Hume Highway Craigieburn.

FOMC initiated action in the Federal Court in December 2001 regarding the Federal Minister for Transport’s refusal to provide reasons for approval of the F2 Freeway. A directions hearing took place at the Federal Court in February 2002. FOMC was challenging the Federal Government’s refusal to release its reasons to fund the freeway and the Transport Minister’s claims that FOMC was “not a person aggrieved” by his decision.

The first meeting of the Craigieburn Bypass Environs Coordination Group occurred in February 2002.

On 1 March 2002, the Federal Court established that FOMC was an aggrieved person in relation to the F2 Freeway, and the Commonwealth provided reasons for the decision to fund the freeway and agreed to pay FOMC’s costs.

The start of construction of the 17km Craigieburn Bypass was officially launched on 9 April 2002 by the Federal Member for McEwen, Fran Bailey, the Victorian Premier Steve Bracks and the Minister for Transport, Peter Batchelor. The Craigieburn Bypass was seen as a crucial element of the Federal Government’s National Highway Program in Victoria. The Minister for Transport claimed that the Bypass would deliver \$1 billion worth of economic benefits to Victoria through better travel times,

fewer accidents, reduced fuel and vehicle operating costs, as well as excellent outcomes for road users, the region and the environment. Motorists could expect to save up to 30 minutes between Craigieburn and the Ring Road during peak hours. A new regional park would also be established along the Merri Creek, from the Ring Road to Craigieburn Road East and incorporating the Cooper Street and Craigieburn Grasslands, to improve recreational facilities for residents of Melbourne's fastest growing northern corridor. The Victorian Government awarded Abigroup Contractors the first road works contract of \$4.1 million.

FOMC's Federal Court hearing took place on 5 and 6 December 2002, claiming that the Commonwealth Minister for Transport, John Anderson, was in breach of the Australian Heritage Commission Act 1975 when he committed the Commonwealth to fund the freeway, and that the Minister did not properly consider alternatives to the construction of the freeway as required by the Heritage Commission Act.

On 4 July 2002, the Federal Court dismissed FOMC's challenge but didn't order costs in recognition of the applicant's belief that the reasons given by the delegate to the Federal Transport Minister suggested that there had been a failure to regard a relevant piece of legislation – Section 30 of the Australian Heritage Commission Act 1975. However, the delegate filed two supplementary affidavits shortly before the hearing in which she claimed to have considered Section 30 in her reasons for the decision. The delegate claimed that the alternative to the F2 Freeway put forward in the Russell Report was not feasible or prudent because according to departmental advice it would cost too much. Also the assumptions about increased public transport use were contrary to advice received from the Victorian Government (Federal Court of Australia, 2003).

Stage One of the Bypass, the first 4kms from the Metropolitan Ring Road at Thomastown to Cooper Street Epping, was opened to traffic in December 2004.

On 20 December 2005, the fully completed \$306 million Craigieburn Bypass was officially opened by the Federal Minister for Local Government, Territories, and Roads, Jim Lloyd, and the Victorian Minister for Transport, Peter Batchelor. The Bypass links the Hume Freeway near Mt. Ridley Road at Craigieburn to the Metropolitan Ring Road at Thomastown. It was claimed that the Bypass would reduce travel times, provide fuel savings to motorists and the freight industry, reduce traffic congestion, enhance road safety on the Hume Highway, and remove traffic from local roads.

Section B

Identification and discussion of key issues

Consultation process - No EES

The Lack of an EES for the Craigieburn Bypass was a major concern for most of the participants in this study. An EES process would have allowed more community input and resources for stakeholders to participate from the start, and the Advisory Committee was critical of this omission.

It was thought that VicRoads' attitude was that it shouldn't have to participate in an EES process, and better processes have occurred where proponents are interested in working with the community. One of the local councils also wanted to avoid any lengthy delays to building the Bypass that might result from an EES.

The rigour involved in an EES would have taken account of important issues such as heritage, and thus avoided a Federal Court case.

There was concern voiced about the trend for the Victorian Government to approve major projects without requiring an EES.

Other consultation processes were highlighted as successful examples where an open and collaborative approach was adopted seeking to find solutions and agreement among stakeholders. The Brunswick to Richmond Powerline Review Panel in 1988 treated the community as an equal and legitimate partner and worked to find an acceptable solution for both the community and the State Electricity Commission (SEC). This included providing adequate resources for community groups, and funding to employ a full-time Coordinator for the Powerline Action Group (Merri Creek Coalition, 2000).

EES Consultative Committees involved all stakeholders and ensured that all aspects of the proposal were fully examined and evaluated to meet community expectations. The role of the Chair was to ensure that stakeholders' views were heard and that the proponent responded to questions and concerns raised, and to assist in the development of a report acceptable to all parties rather than to adjudicate on an outcome (Merri Creek Coalition, 2000).

Melbourne Water's 'Working With our Customers and the Community' provided a framework for a consultative approach, and was presented to Ministers and the DOI by community groups opposed to the Craigieburn Bypass. It shows how to structure a collaborative process and appropriate techniques involving personal contact, workshops, joint committees and open planning forums (Merri Creek Coalition, 2000).

Advisory Committee and Terms of Reference

There was dissatisfaction with the Advisory Committee and its level of independence. It was suggested that the Chair was pushing government agenda to build the Bypass rather than properly consider other transport options.

The Chair of the Advisory Committee conducted VCAT-style formal hearings and many participants found her personal approach disrespectful and intimidating. It appeared that the Chair was not really open to community input or questioning of VicRoads, and she dismissed some information as irrelevant to the hearings.

It was suggested that the Committee read the Terms of Reference too narrowly, so that the focus was on choosing the most appropriate freeway alignment rather than examining a range of transport options. There was a 'no freeway' option included in VicRoads' PAR but this was removed from the second round of options. The Committee interpreted its role under the Terms of Reference as not being able to consider public transport as an option, nor debate the merits of building a freeway. Hence, many of the community and environmental groups were frustrated that their submissions were not included as options to the Bypass. The inability to seriously consider a range of options and outcomes was seen as a major flaw in this consultation process, and was criticised as being biased.

The Committee didn't have the scope or resources to find independent consultants, instead of VicRoads commissioning consultants to conduct research.

In terms of the Committee members, it was thought that there was not enough relevant environmental expertise and not a thorough understanding or appreciation of the range of significant issues effected by the outcome.

There was also some concern about having the same committee and process following a change in government, which occurred shortly after the first panel report.

Ecological and biodiversity concerns

The various freeway alignments were in the vicinity of the Northern Merri Creek Valley and Craigieburn Grasslands, which was listed on the Register of the National Estate as habitat for rare and endangered flora and fauna, and containing significant Aboriginal and European settler sites.

The DNRE was criticised for not doing its job in terms of surveying and protecting habitat and species. It was suggested that there must have been a directive to not properly investigate and enforce legislation to protect flora and fauna. Hence, it was up to the community to do the proper research and present biodiversity findings to pressure the government to enforce the Flora and Fauna Guarantee Act 1988.

The DNRE officer was concerned about fragmentation of Red Gum woodlands, and wanted minimal creek crossings and grasslands' disturbance, and maximum buffers. He admitted that from a purely biodiversity perspective 'no freeway' was the best option, and the wildlife tunnels are yet to be shown to be effective and are not being monitored by the DSE.

The Advisory Committee was critical of VicRoads' lack of plan to treat run-off into creeks, which was brought to attention by Melbourne Water.

The Register of National Estate was very important in the Craigieburn Bypass decision to argue for protection of species and grasslands. However, the final decision - Option Y - intersects the north and south Craigieburn Grasslands blocking the

wildlife corridor. This was not recognised by DNRE, the government, or the Panel. The vulnerable Curly Sedge and largest contiguous population along the Merri Creek and Curly Sedge Creek would be impacted by the freeway crossing and could lead to rapid extinction of the species in Victoria (Merri Creek Coalition, 2000).

It was also mentioned that GHG emissions from vehicles using the freeway affect threatened species by impacting on the climate and water, which push species to extinction. However, this was not considered by the Advisory Committee.

Climate change and peak oil

Participants highlighted the absence of climate change considerations in the Craigieburn Bypass decision-making process. GHG emissions did not figure as an environmental cost of the project.

The Chair of the Advisory Committee stated that climate change was not included in the Terms of Reference, and was outside the framework of this project.

Peak oil and its effect on transport options was another issue not taken into account.

There was scepticism that these issues would be given any more consideration now as the government is enabling major projects to proceed without even requiring an EES.

Public transport

Lack of consideration for public transport as an alternative to building the freeway was a sore point among community and environmental groups. The Cities of Darebin, Moreland and Yarra were especially interested in finding transport solutions other than the F2 Freeway, which led to the commissioning of the Russell Report.

It was mentioned that although Whittlesea wanted the Bypass, it has also been lobbying the State Government for rail to North Epping, Whittlesea and connected with Craigieburn. The opinion was that this has been impeded by a lack of political will and under-funding compared to the roads budget.

Russell Report

A panel member commented that he wished the Committee had seen and been able to consider the Russell Report, but it was not in their terms of reference to decide between a freeway or not.

The City of Whittlesea, a member council of the MTF, was not in support of the Report because the council wanted the Bypass. It was suggested that Whittlesea had since changed its attitude on issues to do with sustainability, and would therefore be more likely to support the Report now.

The Federal Transport Minister sent a letter to the Victorian Minister seeking Victoria's assurance that it would give separate consideration to the Russell Report. However, this occurred more than two weeks after the Federal Minister decided to fund the Bypass (Walters, 2002). The letter advised that there were many recommendations covering public transport and rail freight which might merit consideration "following the finalisation of the route selection process" (Walters, 2002, p. 5; Federal Court of Australia, 2003, p. 7). Hence, the Russell Report was not

considered as an alternative to the F2 Freeway by either Federal or State Governments.

Heritage

The Register of National Estate was very important to argue for protection of species and Grasslands that would be impacted by the proposed F2 alignments. This enabled selection of other alignments other than VicRoads preferred option which ran through the Grasslands and involved many creek crossings. However, there were still many concerns about a freeway going ahead in this area of national importance which resulted in FOMC going to the Federal Court to challenge the Federal Government's decision to fund the freeway, under the Australian Heritage Commission Act.

There was no mention of the impact on heritage in the statement of reasons given by the Acting First Assistant Secretary of Transport Programmes, Department of Transport and Regional Services, though she claimed to have considered it in an affidavit two days before the hearing commenced.

The Counsel for FOMC claimed that Section 30 of the Heritage Commission Act 1975 was not adequately addressed in terms of considering feasible and prudent alternatives to avoid adverse affects on a place in the Register of the National Estate (Craigieburn Grasslands). This included Option 8 and the Russell Report. Whereas, the final selection, Option Y, traverses the Grasslands and will affect the environment on either side of it (Walters, 2002).

The Federal Government relied upon the Victorian process which terms of reference did not address matters under subsections 30(1) and (2) of the Act. This meant that the Advisory Committee was able to limit its consideration of the National Estate to a narrower area than included in the Register. That is, the Committee looked at characteristics of the Grasslands described in the Register of the National Estate, rather than the whole place included within the National Estate (Walters, 2002).

It was pointed out that if there had been an EES, heritage would have been properly examined in the process thus avoiding a Federal Court case.

Another comment was that the National Trust had information on John Batman sites, and was unhappy about the Bypass and other roads being built in the area.

Community activism

Community environmental groups were particularly active in the consultation process for the Craigieburn Bypass. It was felt that community groups carried the burden of doing the work of thorough and proper research that the government and other paid professionals were meant to be conducting.

In order to present to the Advisory Committee, the onus was on people to self-organise and discuss matters among themselves and then come to a position by making a submission at the hearings.

It was suggested that the proponent should pay for community groups' research and the work involved in putting together submissions.

Property developers

Some of the interviewees believed that large-scale residential land developers operating in the north, for example Delfin to the northwest of the Bypass, had a major interest in pushing for the F2 so there would be easy road access to real estate.

It was suggested that the Victorian ALP Government favoured property development and accommodated the needs of one particular local developer by allowing his property to be rezoned industrial, and moving the freeway to the west so that Epping Development Park land could be released for its intended use. This then impacted on another landowner's property, and matters became more complicated when the Planning Minister repealed Amendment C23 of the Whittlesea Planning Scheme for the Craigieburn Bypass which would enable the demolition of Clonard Homestead, and result in an ongoing court case.

Traffic projections and modelling

VicRoads' consultants, Veitch Lister, used Melbourne Integrated Traffic Forecasting and Evaluation Model (MITFEM) to predict traffic volumes in 2011 and 2021 (Advisory Committee Report, 1999). It was pointed out that the modelling showed a benefit for commuters but not for freight, which was not what Whittlesea expected. VicRoads argued the need for the Bypass in terms of freight, but didn't justify it on these grounds.

Another comment was that there is a need for more roads to cater for extra traffic in the area with Northpoint Park, medical centre, and wholesale market next to the Bypass, and the Bypass would need three lanes each way to make room for future traffic. This highlights the problem of induced traffic and the failure to curb this by building more freeways.

Cost-benefit analysis

There was a complaint that a full cost-benefit analysis wasn't done in terms of a range of factors including environmental and social. Hence, the real cost of the freeway was underestimated in terms of the destruction of natural habitat, air and water pollution, fatalities and injuries, respiratory disease and the long-term effect on climate change.

The economic assessment and justification for the freeway was seen to be limited because it relied on travel time savings, which were shown to be very small.

VicRoads and project managers

There was some concern that VicRoads was not submitting its broader freeway plan for community consultation. VicRoads tends to ask for freeway extensions which lead to bottlenecks, and this is used as a justification for building further parts of a freeway. The MCMC warned communities that this could lead to a freeway south of the Ring Road along the Merri Creek sometime in future.

Another criticism was that VicRoads didn't appoint an environmental manager, and there was lack of continuity with project managers. It was commented that VicRoads was not transparent, and there was a problem with high turnover of staff.

Abigroup Contractors, who were awarded the contract to build the Craigieburn Bypass, were also criticised for a lack of continuity in their environmental staff who

were replaced by engineers not environment officers or experts. This was regarded as an impediment to ensuring ongoing environmental protection and follow-through of procedures.

VicRoads did not have a plan to treat run-off into creeks and Melbourne Water was very critical of this omission and the damage it would cause the Merri Creek system. This was reinforced by the Advisory Committee, and with the assistance of Melbourne Water, VicRoads prepared a Water Sensitive Road Design Strategy. The Chair of the Committee commented that VicRoads could not get away with overlooking water impact these days.

It was thought that it was VicRoads' opinion at the start that they had the power to build roads anywhere in Victoria and they shouldn't need to participate in an EES or similar process of community consultation. However, it was considered that VicRoads' attitude changed because they were told to alter their plans under this process, which was a first for them and a good thing. This was summed up by the comment that it would be unlikely to have a non-EES process now for a major road of this nature.

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