



STRATHBOGIE SHIRE COUNCIL

**MINUTES OF A SPECIAL MEETING OF THE STRATHBOGIE SHIRE COUNCIL HELD
ON TUESDAY 10 DECEMBER 2019 AT THE EUROA COMMUNITY CONFERENCE
CENTRE COMMENCING AT 5.00 P.M.**

Chair:	Amanda McClaren (Mayor)	(Lake Nagambie Ward)
Councillors:	Malcolm Little	(Hughes Creek Ward)
	John Mason	(Seven Creeks Ward)
	Alistair Thomson	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)
Officers:	Phil Howard	Acting Chief Executive Officer (ACEO)
	David Roff	Group Manager, Corporate and Community (GMCC)
	Emma Kubeil	Acting Group Manager, Innovation and Performance (AGMIP)

BUSINESS

1. Welcome

Resignation of Councillor Kate Stothers (*Honeysuckle Creek Ward*)
2. Acknowledgement of Traditional Land Owners

'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies

Councillor Debra Bower (Lake Nagambie Ward)
Councillor John Mason (Seven Creeks Ward)
Jeff Saker Group Manager, Community Assets (GMCA)
4. Disclosure of Interests

Nil.
5. Petitions

Nil.

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6. Reports of Council Officers
 - 6.1 Climate Change
 - 6.2 Infrastructure
 - 6.3 Private Enterprise
 - 6.4 Public Institutions
 - 6.5 Housing and Recreation
 - 6.6 Tourism
 - 6.7 Organisation

7. Closure of Meeting to the Public to consider matters listed for consideration in accordance with Section 89(2) of the Local Government Act 1989

8. Confirmation of 'Closed Portion' Decision/s

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Group Manager, Corporate & Community) should they seek to obtain permission to do so.



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6. REPORTS

6.7 ORGANISATION

6.7.1 Proposed Closure of Railway Crossing at McDonalds Road, Wahring - Receiving / Hearing of Submissions

Author & Department

Group Manager Community Assets / Community Assets

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*."

Summary

As a result of a written request from V/Line regarding the possible closure of the railway crossing at McDonalds Road, Wahring, Council, at the Council meeting on 18 April 2017, resolved to commence a S223 process to consider closure of this railway crossing.

Submissions closed on 15 November 2019. Two submissions regarding the proposal have been received (refer Attachment A).

RECOMMENDATION

That Council resolves to -

1. Receive and note the submissions received in response to the public advertising of the proposed closure of the railway crossing at McDonalds Road, Wahring.
2. Hear those who wish to be heard in support of their written submissions.
3. Formally consider all received submissions and the closure of the railway crossing at McDonalds Road, Wahring at the Ordinary Meeting of Strathbogie Shire Council to be held on Tuesday 17 December 2019.

06/10 **CRS LITTLE/WILLIAMS** : *That the Recommendation be adopted.*

CARRIED

Background

In January 2017, due to safety concerns, Council received a written request from V/Line to start the consultation process for possible closure of the railway crossing at McDonalds Road, Wahring.

6.7.1 Proposed Closure of Railway Crossing at McDonalds Road, Wahring
- Receiving / Hearing of Submissions (cont.)

V/Line also proposed to consult with the community on a proposal to close the McDonalds Road crossing in the interest of safety and requested Council's input in relation to the consultation. A copy of their letter is attached – Attachment D.

A report was presented to Council for consideration at the 18 April 2017 Council meeting with the following recommendation being carried:

- *That Council inform V/Line they can proceed with notification of the potential closure as outlined in their letter.*
- *That Council invite submissions regarding the proposed closure under Section 223 of the Local Government Act 1989, to be heard by Council at a Special Meeting, to be held on a date to be determined.*

A letter from V/Line (Attachment B) and a locality map (Attachment C) are attached for information.

Recent discussions with V/Line reconfirmed their interest in closing this crossing for safety reasons.

A S223 process was undertaken between 9 October 2019 and 15 November 2019 with two submissions being received. A copy of each submission is attached for information.

One of the submitters has requested to be heard in support of their submission and will be attending the Hearings.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author of this report considers that there are significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

If the crossing is closed, Officers have requested funding from V/Line to fund any roadworks that may be required to enable the closure.

6.7.1 Proposed Closure of Railway Crossing at McDonalds Road, Wahring
- Receiving / Hearing of Submissions (cont.)

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

It is considered that the proposal has community implications. It is a farming area which generates cropping related traffic. The estimated additional trip length with closure of the crossing is estimated at 5.5km (max).

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Attachments

Attachment A: Copy of submissions

Attachment B: Letter from V/Line dated 24 January 2017

Attachment C: Locality Map

Attachment D: Example of V/Line letter to affected landowners

ATTACHMENT A:



Mr P. Howard
Acting Chief Executive Officer
Strathbogie Shire Council
109A Binney Street
Euroa VIC 3666

Re: Proposed Closure of Railway Crossing at McDonalds Road, Wahring

Dear Sir,

We, [REDACTED], agree with the principle as outlined in the V/Line letter dated 25th October 2019 regarding safety issues related to the above crossing.

The reason why I am writing to you regarding the closure of this level crossing is because we are the landowners of the land adjacent to and on both sides of the rail line.

This land is used for cropping purposes and with the large machinery involved with cropping it would be a great inconvenience if this crossing were to close. We currently exit our property at the east side of the line adjacent the rail crossing to access the western side of the line.

We cannot access the property west of the line via Bunganail Road as the rail crossing is of a very high and steep gradient to the road level. Both Bunganail Road and McDonalds are overgrown with heavy timber vegetation making it too narrow to navigate if not impassable with wide, high and oversized machinery.

If access had to be via the Wahring-Euroa Road to the north, or south to Grimwade Road for access to McDonalds Road with 6 metre wide machinery, we would create another safety issue for road traffic using these roads. We currently use the above crossing several times a year with machinery such as an airseeder, sprayer, windrower, balers and tractors, all oversized.

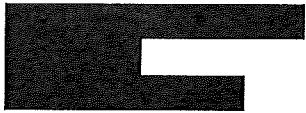
The shortest distance travelled on the road with oversized equipment is the best!

It is our desire to have close interconnecting access to both properties either by private level crossing or alternatively upgrade the crossing with a 'S Type Crossing' so that the rail line may be crossed at a right angle or at a 90 degree angle to give vehicles or those that utilise this crossing a clear view of an oncoming train.

We wish to support our submission and be heard before Council at the meeting to be held on 10th December 2019 at the Strathbogie Shire Council Civic Centre

If you wish to discuss this matter further please do not hesitate to contact me on [REDACTED].

A handwritten signature in the bottom right corner of the page, consisting of a stylized 'A' or similar character.



Mr Phillip Jeeves
Acting Rail Interface Manager
V/Line
GPO Box 5343
Melbourne VIC 3001

Re: McDonalds Road, Warring – Level Crossing Safety

Dear Mr Jeeves,

We, [REDACTED], agree with the principle as outlined in your letter dated 25th October 2019 regarding safety issues related to the above crossing.

The reason why I am writing to you regarding the closure of this level crossing is because we are the landowners of the land adjacent to and on both sides of the rail line.

This land is used for cropping purposes and with the large machinery involved with cropping it would be a great inconvenience if this crossing were to close. We currently exit our property at the east side of the line adjacent the rail crossing to access the western side of the line.

We cannot access the property west of the line via Bunganail Road as the rail crossing is of a very high and steep gradient to the road level. Both Bunganail Road and McDonalds are overgrown with heavy timber vegetation making it too narrow to navigate if not impassable with wide, high and oversized machinery.

If access had to be via the Warring-Euroa Road to the north, or south to Grimwade Road for access to McDonalds Road with 6 metre wide machinery, we would create another safety issue for road traffic using these roads. We are currently use above crossing several times a year with machinery such an airseeder, sprayers, windrower, balers and tractors all oversized.

The shortest distance travelled on the road with oversized equipment is the best!

It is our desire to have close interconnecting access to both properties either by private level crossing or alternatively upgrade the crossing with a 'S Type Crossing' so that the rail line may be crossed at a right angle or at a 90 degree angle to give vehicles or those that utilising this crossing a clear view of an oncoming train.

I also wish to advise that I am advising the Strathbogie Shire Council that we wish to have our submission heard at the Council to be held on the 10th December 2019.

If you wish to discuss this matter further please do not hesitate to contact me on [REDACTED].

A handwritten signature in black ink, located in the bottom left corner of the page.

12/11/2019

VLINE

Attention: Mr Phillip Jeeves

Acting Rail Interface Manager

Dear Sir,

I am writing to you as the owner of _____ which is one of the properties that will be effected by the proposed closing of the level crossing on McDonalds Road, Warring, 132.249km.

Our property is used for both cereal growing and sheep farming. The rear of our property faces McDonalds Road and apart from giving us access for the cropping equipment to that part of the farm, we also use McDonalds Rd quite often for the moving of our stock to another property for shearing, dipping, drenching etc, as we don't have those facilities on our property.

Our rear gate is only about 150m north from the crossing in question and as the other off-property facilities are south of us, we understandably walk our stock over the crossing to get there.

Having spoken to a couple of the other five adjoining owners, they like myself have been most concerned that maybe the whole road for the blocks length from Grimwade Road through to Bungunail Road would be closed off, thereby denying us any access to that part of our properties.

I have since spoken to the Strathbogie Shire and they said it was their understanding that it "would only be the crossing that would be closed off, not the entire road."

I can understand from a safety point of view the need to close this crossing, which I guess is mainly due to the angle of which the line crosses the road. If the decision is made to close the crossing, we will need to find an alternate method to move our stock when required, but at least if the rest of the road remains open, we would all be extremely grateful.

I look forward to hearing back from you soon.



ATTACHMENT B:

Level 7, 750 Collins Street, Docklands VIC 3008
GPO Box 5343, Melbourne VIC 3001
T (03) 9619 5900, F (03) 9619 5800 vline.com.au



24th January 2017

Shire of Strathbogie
P.O Box 177
EUROA VIC 3686

**Attention: Mr. Roy Hetherington
Director Asset Services**

Dear Mr. Hetherington,

RE: Level Crossing Safety

As the operator of Victoria's regional rail network, V/Line has safety as its number one priority and we value Council's support for this key objective.

V/Line has been assessing level crossings within the Strathbogie Shire; the assessments found that the following level crossing does not meet the requirements of Australian Standard AS 1742.7

Description:	Type:	Coordinates:	Google Maps Hyperlink:
McDonnells Road Wahring	Stop Signs	-38.7378625531 145.194781307	https://goo.gl/maps/sv3wu5Csr6G2

We would like to start the consultation process for possible closures.

In line with our safety-first approach, V/Line consults with local communities to reduce risks, as part of the communication process V/Line will complete the following:

- ✓ Obtain approval for the closures from the Emergency Services;
- ✓ Notify adjacent land owners in writing of the proposed closure and advise of alternate location/s to safely cross the tracks;
- ✓ Publish a public notice in the local paper/s should the crossing be located on a public road;
- ✓ Complete a letter box drop within a 1km radius of the crossing should the crossing be located on a public road.

Can you please advise if there are any other additional steps you would like V/Line to take as part of the communication stage?

Managing the safety risks at level crossings is a responsibility shared between the rail operator and the organisations that manage the approach roads. We know that Council is just as committed to making its roads safe as V/Line is to making our rail operations safe for our customers, staff and the public.

With this shared responsibility, we look forward to Council's support in achieving the safest and most cost-effective solutions for the benefit of all Victorians.

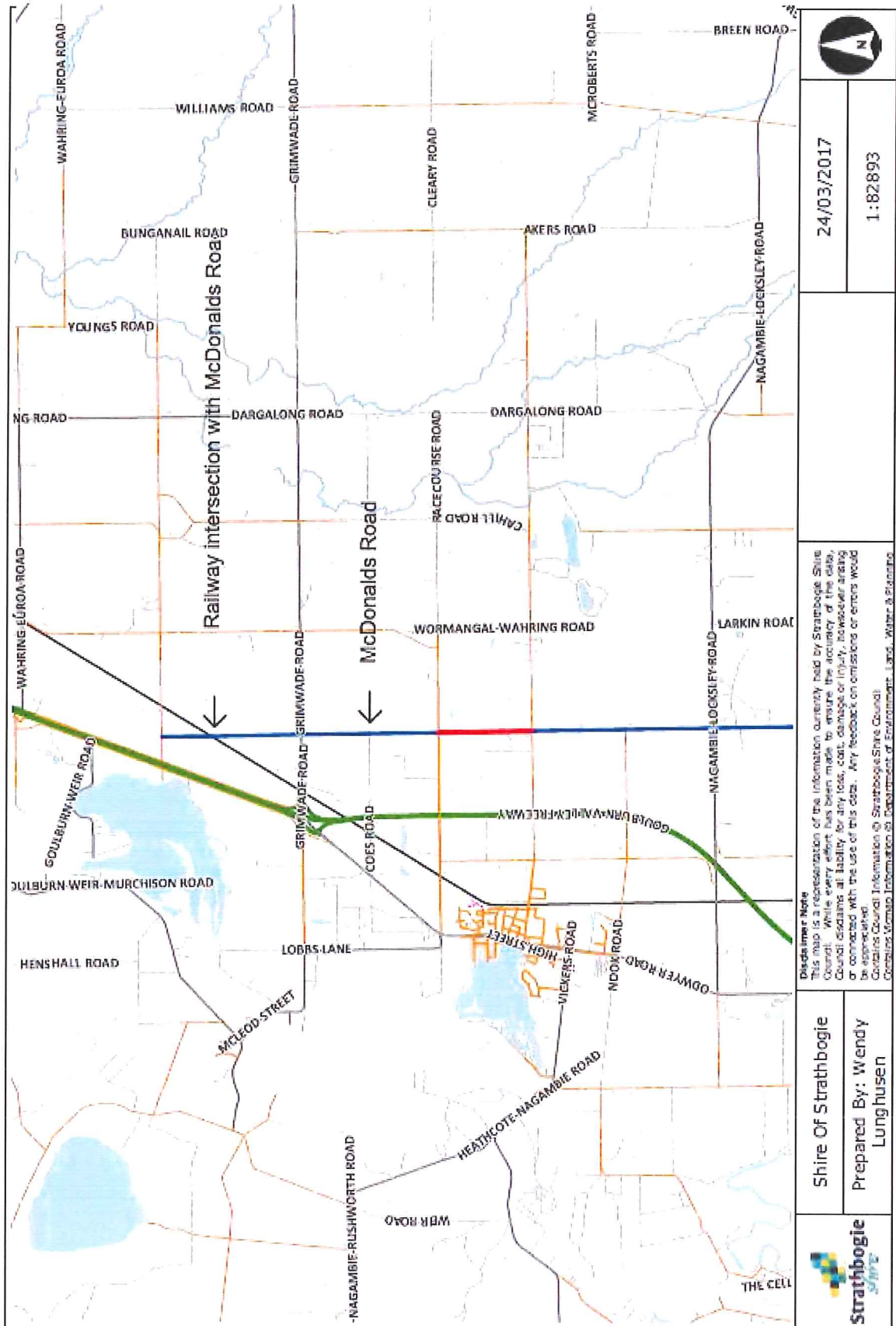
Yours sincerely,




Barry Perkins
A/General Manager Asset Management & Performance



[Handwritten signature]

ATTACHMENT C:



	24/03/2017
	1:82,893
<p><small>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Mapping Information © Department of Environment, Land, Water & Planning</small></p>	
Shire Of Strathbogie	Prepared By: Wendy Lunghusen
	

ATTACHMENT D:

Level Crossing Safety
132.249KM
T 03 5440 2000 F 03 5440 2000 vline.com.au



23rd October 2019

Land Owner as Addressed

Dear Landowner,

RE: Level Crossing Safety

V/Line as the operator of Victoria's regional rail network has safety as its number one priority and have been in discussions with Shire in regarding the potential closure of the level crossing at McDonalds Road Warring.

V/Line has been assessing level crossings within the Strathbogrie Shire and the assessments found that below level crossing does not meet the requirements of Australian Standard AS 1742.7

Description:	Type:	Coordinates:	Google Maps Hyperlink:
McDonalds Road Warring 132.249KM	Stop Signs	-38.7378825531 145.194781307	https://goo.gl/maps/sv3wu5Csr5G2

The safety issue at this crossing relates to sighting of an approaching train and the fact there has been near misses at this location in the past.

In conjunction with V/Line the council is starting the consultation process with the potential to close the crossing.

An alternative route via Grimwade Road [130.377Km] which is an active crossing fitted with flashing lights and boom barriers which is a considerable safer option to cross the railway line and has a direct connection to Goulburn Valley highway.

Managing the safety risks at level crossings is a responsibility shared between the rail operator and the Shire that manage the approach roads.

In conjunction with V/Line the Shire is committed to making the roads as safe as possible for rail operations which includes customers, staff and the community members of the Shire of Strathbogrie.

If you wish to comment this must done in writing to V/Line at the above address by 5.00 pm on Friday 15th November 2019.

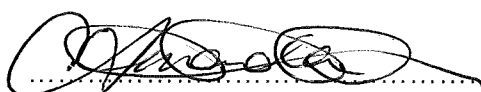
Yours sincerely

7. CLOSURE OF MEETING TO THE PUBLIC TO CONSIDER MATTERS LISTED FOR CONSIDERATION IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989

8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.15 P.M.

Confirmed as being a true and accurate record of the Meeting


.....
Chair

17/12/2019
.....
Date