

10.5 Buckley Street Level Crossing Removal - Post Opening Traffic Study and Response to Petitions

Author: Richard Young - Project Manager Major Projects

Business Unit: City Development

1. Purpose

- 1.1 To report on the receipt of petitions, the outcome of the Post Project Monitoring Study of local roads and activities by Council officers in relation to the Buckley Street Level Crossing Removal Project (LXRP).

2. Background

- 2.1 Following the report to Council on 27 November 2018 further petitions were tabled at Council meetings.
- 2.2 On 29 January 2019 a petition was tabled at Council objecting to any proposed changes to median strip access from Buckley Street to surrounding streets.
- 2.3 On 12 March 2019 a petition was tabled at Council objecting to the two-way traffic introduced into Sherbourne Street by LXRP.
- 2.4 On 14 April 2020 a petition was tabled at Council objecting to the two-way traffic introduced into Sherbourne Street by LXRP.
- 2.5 The above three petitions are reliant upon the outcome of the Post Project Monitoring Study conducted by LXRP.
- 2.6 On 26 February 2019 a petition was tabled at Council requesting that pedestrian operated signals be provided across Buckley Street near St. Columba's.
- 2.7 The petition above has been satisfied by the fact that the Department of Transport (DoT) formerly VicRoads has provided funding for this project and it is designed. Advice from DoT was that implementation was scheduled for the school holidays in January 2020. Council officers have since been advised that DoT has encountered unspecified problems and cannot advise a new commencement date at this stage.
- 2.8 In relation to traffic management impacts, Council resolved at the Ordinary Council Meeting held on 18 April 2017, *inter alia*, to ".....3. *Request LXRA provide Council with a detailed response on how traffic concerns for the precinct are expected to be resolved.*"
- 2.9 Council also resolved at the Ordinary Council Meeting held on 12 December 2017, *inter alia*: "*That the Mayor write in the next 7 days to the Chief Executive of the LXRA re-iterating the endorsed position of Council, and again requesting the project be deferred until such times as all relevant matters (including traffic and transport impacts, the future of the Essendon Station car parking sites and other level crossing removal options) have been independently and transparently considered, and in addition request details of:.....d) When the final traffic assessment and impact report on the LXRA's preferred road-under-rail model will be made*

available to the community and stakeholders;...f) Any intended investment in legacy items beyond the immediate project area, and the indicated financial commitment of such items.”

3. Issues

- 3.1 Prior to the commencement of the LXRП Post Project Monitoring Study, Council officers provided a forum for residents on its Have Your Say website page to lodge issues that were of concern subsequent to the level crossing removal.
- 3.2 All input collected by Council along with the lodged petitions was provided to the LXRП for consideration in the Post Project Monitoring Study.
- 3.3 At that time LXRП advised that Council officers would be able to engage with the Traffic Consultant prior to it conducting the study and that the report would be made available to Council upon completion.
- 3.4 The study was conducted without the promised engagement and Council officers were advised that the study would not be provided to Council and that the Post Project Monitoring Study identified no issues requiring amelioration in the local road network surrounding the project.
- 3.5 Given this, a letter was sent to the CEO of LXRП on 26 July 2019 seeking the release of the Study and providing a costed package of works considered necessary by Council officers, to be funded by LXRП valued at \$965,000. Refer **Attachment A**.
- 3.6 Additional meetings were held with representatives of LXRП in August and October 2019 where a summarized Post Project Monitoring Study document was provided along with a verbal indication that LXRП would provide to Council a sum of \$165,500. This offer was then confirmed in a letter dated 14 February 2020 from the LXRП CEO formally offering a works package to Council for local roads of \$165,500 (**Attachment B**). A copy of the Post Project Monitoring Study was also provided.
- 3.7 Council’s Traffic and Transport department has assessed the Post Project Monitoring Study provided and concluded that critical information normally used to assess before and after traffic conditions is missing. For example, peak hour vehicle turning movement counts, 24-hour counts including hourly volumes, speed data, vehicle classification and Road Safety Audits. Hence council officers are unable to properly evaluate the impact on the local road network.
- 3.8 Following further communication with LXRП, they have advised that the offer of \$165,000 would not be increased and if Council accepted that offer then some of the requested traffic data it collected would be provided. Given this, officers are of the view that Council should write to The Hon. Jacinta Allan, Minister for Transport Infrastructure and the Secretary Department of Transport, seeking dispensation for any expenditure incurred by Council in ameliorating traffic conditions deflected to the local road network by the LXRП works and further that the critical information missing from the Post Project Monitoring Study be provided.

- 3.9 Turning to the petitions, particularly Sherbourne Street, Council officers have identified a serious safety concern regarding its use where pedestrians at peak use the road as a footway whilst mingling with two-way traffic. As well the crossing supervisor regularly reports persistent red light running and lack of storage space for students at peak on the SW corner of Buckley and Sherbourne Streets.
- 3.10 An application was made by Council and DoT to the Department of Justice for a red-light camera installation but this has not been approved.
- 3.11 Additionally, Sherbourne Street has, due to the LXP work, experienced a traffic volume increase, a traffic speed increase and created a community safety issue for pedestrians at peak (**Attachment C**). The LXP works package only provides for road humps at the southern end of Sherbourne Street, which may assist in slowing some localized traffic but does nothing for the additional traffic volume and community safety. Accordingly, the use of road humps as a sole solution should not be supported.
- 3.12 This situation must be remedied and the only way to address the issues of extra speed, volume and pedestrian safety is to revert the street to its original No Entry at Buckley Street. Council has a duty of care here and officers are developing concepts that the LXP works package may not accommodate monetarily. If there is any extra cost it will need to be referred to Councils Reactive Traffic Management budget, the amount to be determined after completing consultation.
- 3.13 If Council is desirous of reverting Sherbourne Street to No Entry from the north then it will need to comply with the Local Government Act 1989, Schedule 11, Clause 9, which states *'A Council must not exercise this power unless it has considered a report from the Head, Transport for Victoria concerning the exercise of the power'*.
- 3.14 Council would also need to conduct a community consultation process to enable local input to the decision-making process.
- 3.15 Council officers are mindful of the need to avoid unnecessary use of Council funds in attempting to remedy issues created by LXP and to that end have developed some low cost but effective solutions that could be used as thought starters in the consultation process (**Attachments D and E**). The consultation process will be the time to test whether road humps at the southern end are required.
- 3.16 The 29 January 2019 petition relates to a proposal put forth to close the median opening at McPhail Street in an attempt to reduce the number of vehicles turning right into McPhail Street. The petition was generated from the Court Street community objecting on the basis that traffic would increase in Court Street. LXP is not supportive of altering the median strip.
- 3.17 The works package offered by LXP funds two road humps in McPhail Street which is consistent with recent enquiries from residents in McPhail Street. Again, this proposal would need to be subject to local community consultation.

Recommendation

That Council resolves to:

- a. Advise the head petitioners objecting to the Buckley Street median access closure at McPhail Street submitted on the 29 January 2019 that the LXP found no justification in the Post Project Monitoring Study to alter the median access in Buckley Street.
- b. Advise the head petitioner (26 February 2019) seeking pedestrian operated signals at St. Columba's that DoT has a budget for the works which are currently designed and are awaiting commencement.
- c. Advise the head petitioners (submitted on 12 March 2019 and 14 April 2020) objecting to the two-way traffic introduced into Sherbourne Street that LXP has agreed to a funding model that could include two road humps at the southern end of Sherbourne Street subject to community consultation, which Council does not support as a sole solution.
- d. Further advise the head petitioners (submitted on 12 March 2019 and 14 April 2020) objecting to the two-way traffic introduced into Sherbourne Street that Council, prior to considering road humps intends to undergo a more holistic review. That review will address additional speed, volume and community safety over the full length of Sherbourne Street.
- e. Advise residents of McPhail St. that Council intends to undertake a community consultation process with a view to ascertaining the suitability of 2 road humps as traffic management devices.
- f. Note that LXP reiterated on 14 April 2020 that it was not willing to increase the value of the works package above \$165,500 but would provide some of the missing traffic data if Council accepted the works package.
- g. Write to The Hon. Jacinta Allan, Minister for Transport Infrastructure and the Secretary Department of Transport, seeking dispensation for any expenditure incurred by Council in ameliorating traffic conditions deflected to the local road network by the LXP works and further that all the critical information missing from the Post Project Monitoring Study be provided.
- h. Advise LXP that Council accepts the initial base offer of \$165,500 as a contribution toward rectification of deflected transportation issues into the local road network provided all the critical information missing from the Post Project Monitoring Study be provided.

Attachments

- A: Letter to K Devlin (separately circulated)
- B: Works package from LXP (separately circulated)
- C: Traffic Data from LXP for local roads (separately circulated)
- D: Option 1 (separately circulated)
- E: Option 2 (separately circulated)

Impact Assessment

1. Relationship to Council commitment MV2040 or Council Plan

- 1.1 In presenting this report, Council is working to achieve its strategic objective in accordance with Council Plan 2017-21.

2. Legislative obligations

- 2.1 In December 2018, the project was declared a major project under the provisions of the Major Transport Projects Facilitation Act 2009 (MTPFA) and an Incorporated Plan Introduced into the Moonee Valley Planning Scheme (This will remain in place until December 2023).
- 2.2 The effect of this action was to remove all Council functions over the declared area, which includes Buckley Street and Sherbourne Street.
- 2.3 Council has previously written to the relevant Minister seeking that the project be declared completed and that Council's substantive powers be restored. This request was declined.
- 2.4 As such there is a lack of clarity over Council's powers over the relevant areas.
- 2.5 Effectively if the MTPFA is in place then there is a question over whether Council can act under the provisions of the Local Government Act 1989, or any other act. See 3.1 below.
- 2.6 However, the LXRP has consistently advised officers that if Council wishes to revert a section of Sherbourne Street to one way the LXRP as a Referral Authority would not object.

3. Legal implications

- 3.1 The area annexed under the Act listed at 2.1 remains under the control of the LXRP. Accordingly, any Planning Applications or major engineering works need to be referred to LXRP as a Referral Authority until 2023.

4. Risks

- 4.1 Council officers are being highly vigilant in ensuring all defects on the project are being properly repaired. Failing to do this would expose Council to the risk of premature maintenance expenditure on new assets.

5. Social impact assessment

- 5.1 Being cognisant of this issue resulted in Council officers negotiating with the LXRP a Post Project Monitoring Study of the local road network to identify any impact, positively or negatively on public health and safety, access and equity matters caused by the level crossing removal.

6. Economic impact assessment

6.1 Anecdotally this aspect has many facets. During the build phase with a massive influx of construction workers the food outlets were very positively impacted. Other businesses were generally negatively impacted. Post opening, new communities are emerging in high rise buildings in Russell and Buckley Streets which will provide fresh opportunity for all businesses in the precinct.

7. Environmental impact assessment

7.1 The removal of the level crossing would give leave to expect that overall the carbon footprint would reduce as motor vehicles no longer idle at the boom gates.

8. Reputational impact assessment

8.1 In order to best represent the interests of the Moonee Valley City Council and its community, officers have been fully engaged in this project in order to manage construction impacts and advocate for the optimum design outcomes where possible.

8.2 LXRP has also advised that it has replaced all lost parking on the project by constructing new car parks at Russell Street on Vic Track land, Mount Alexander Road median north of Buckley Street and 20 short term spaces have been provided within the Vic Track long term car park at Rose Street.

9. Financial implications

9.1 At this point Asset Ownership decisions have been finalized. One notable addition to Council maintenance requirements at present is the pocket park on the South East corner of Sherbourne and Buckley Streets. This was previously four ninety-degree car spaces that were unsafe to retain once the LXRP converted Sherbourne Street to two-way traffic.

9.2 The park consists of a native landscaped brick garden bed incorporating seating ostensibly built on VicTrack land which is proposed to be leased to Council. Maintenance costs would be estimated to be less than \$1,000 per annum. This provides an amenity for shoppers, students and traders.

9.3 The new car park in the Mount Alexander Road median as per the Road Management Act will see Council as the Responsible Authority. It is valued at \$350,000 with a life span as per Council Policy of 35 years. Accordingly, it will have an operational cost impact and capital renewal impact.

9.4 In the absence of detailed whole of life costing guidelines, it is expected that operational cost impact and capital renewal impact will average 2 percent per annum calculated on asset value equating to \$7,000 per annum.

10. Sensitivity / scenario analysis

10.1 Not applicable.

11. Conflict of interest declaration

11.1 No officer involved in the preparation of this report has any direct or indirect interest in this matter or the decision.

12. Consultation undertaken or planned

12.1 Being a State Government project the LXRP conducted the consultation with the community in relation to the level crossing removal. Council undertook its own extensive community engagement program.

12.2 Initially a drop-in session was held to outline to the community the scope of the level crossing removal project.

12.3 At a later date another drop in session was convened where the options being considered were provided and the option favoured by the LXRP was identified.

12.4 Following that there was a Stakeholder Liaison working group meeting on a regular basis which was chaired by Danny Pearson MP, State Member for Essendon. Council was represented on this group.

12.5 During the course of the construction works the LXRP issued brochures to the immediate community advising of progress and pertinent traffic detours.

12.6 Once Buckley Street was reopened Council officers arranged for a “Have Your Say” page on the Council website to allow residents the opportunity to identify any adverse impacts on the local road network due to the level crossing removal.

12.7 The information gleaned from this and the 5 petitions received by Council were all provided to the LXRP for consideration in the Post Project Monitoring Study.