

LATE ITEM NOTICE OF MOTION

Ordinary Council Meeting

Item 10.1 - Calingiri New Norcia Road Rail Crossing

7 October 2026

Shire of Victoria Plains

Council Chambers, Calingiri

AND

via E-Meeting Protocol

Commencing – 2:00 PM

10.1 Notice of Motion: Calingiri–New Norcia Road Rail Crossing

File Reference	
Report Date	29 September 2026
Applicant/Proponent	Cr Pauline Bantock, Shire President
Officer Disclosure of Interest	Nil
Previous Meeting Reference	N/A
Prepared by	Sean Fletcher, Chief Executive Officer
Senior Officer	N/A
Authorised by	Sean Fletcher, Chief Executive Officer
Attachments	Nil

PURPOSE

To present a Notice of Motion submitted by Cr Pauline Bantock concerning safety and sight-line concerns at the Calingiri–New Norcia Road rail crossing, and to provide Council with the Chief Executive Officer's report on the history, current status, jurisdictional responsibilities and proposed actions associated with the matter.

NOTICE OF MOTION

The following Notice of Motion was received from Cr Pauline Bantock, Shire President, following her meeting with Malcolm McCusker and Peter Hewlett of Martindale Pty Ltd:

Notice of Motion submitted by Cr Pauline Bantock

That Council:

1. **ACKNOWLEDGES** the work undertaken to date by the Chief Executive Officer and Shire officers in relation to safety concerns at the Calingiri-New Norcia Road rail crossing, including engagement with Arc Infrastructure, Main Roads Western Australia, Infrastructure Australia and the Office of the National Rail Safety Regulator (ONRSR).
2. Through the Chief Executive Officer **ADVOCATES** to Arc Infrastructure, the Public Transport Authority (PTA), Main Roads Western Australia and the Office of the National Rail Safety Regulator (ONRSR) for the timely improvement of sight lines at the Calingiri-New Norcia Road rail crossing, having regard to concerns regarding vegetation within the rail corridor and the increased traffic movements associated with the forthcoming harvest season.
3. **REQUESTS** the Chief Executive Officer to seek written advice from Arc Infrastructure and the Public Transport Authority regarding:
 - a. the scope, timing and approval requirements associated with the rectification works currently being progressed by Arc Infrastructure; and
 - b. any interim safety measures that may be implemented pending completion of those works.

4. **REQUESTS** the Chief Executive Officer to provide ongoing updates to Council regarding:
 - a. the progress of vegetation remediation and sight-line improvement works; and
 - b. advice received from Arc Infrastructure, the Public Transport Authority, Main Roads Western Australia and the Office of the National Rail Safety Regulator regarding rail crossing safety.
5. **REQUESTS** the Chief Executive Officer communicate Council's position to Lachlan Hunter MLA, Member for Central Wheatbelt, noting community concerns regarding rail crossing safety and the increased movement of agricultural traffic during harvest.

BACKGROUND

Rail crossing relocation

The current Calingiri–New Norcia Road rail crossing forms part of the broader realignment of the Calingiri–New Norcia Road and Toodyay–Bindi Bindi Road intersection associated with the expansion of the CBH grain handling facility at Calingiri.

The project involved relocating the crossing from approximately the 61.4 kilometre mark to the 61.8 kilometre mark on the Toodyay West–Miling railway line. The relocation was progressed through arrangements involving the Shire, the Public Transport Authority and Arc Infrastructure. Arc Infrastructure installed the new crossing as part of the intersection project.

The project records include a Licence to Use and Occupy Corridor Land between Arc Infrastructure and the Shire, executed on 29 May 2025, relating to the Shire's use and occupation of the relevant corridor land. The licence identifies Arc Infrastructure as the manager of, and the party responsible for, rail safety in respect of the corridor land and railway infrastructure. Main Roads Western Australia subsequently assessed the relocated Calingiri–New Norcia Road rail crossing in June 2025 and found the sighting distances compliant at that time.

The project required coordination involving road construction, railway infrastructure, land acquisition and road closure processes, environmental approvals, and engagement with CBH, Main Roads Western Australia, the Public Transport Authority, Arc Infrastructure and the Department of Planning, Lands and Heritage.

Main Roads assessment

In a response to correspondence from Mr Silvio Brenzi, the Manager Works and Services, dated 21 September 2026, Arc Infrastructure advised that it maintains sighting distances within the rail corridor through vegetation management. Arc Infrastructure further advised that Main Roads Western Australia formally assessed the crossing in June 2025 and found all sighting distances compliant at that time, while acknowledging that conditions may have changed since the assessment.

This assessment is relevant to the history of the matter. However, it does not remove the need to review current conditions where concerns have subsequently been raised regarding vegetation growth and sight lines.

Initial concerns raised by Peter Hewlett

In October 2025, Peter Hewlett raised concerns with the Chief Executive Officer during an informal discussion immediately before the Shire's Spring Bush Fire Advisory Committee meeting. The concerns related to visibility for vehicles approaching the relocated crossing from the west and the absence of active warning lights.

The Chief Executive Officer advised Peter Hewlett that he was due to meet with the Regional Manager of Main Roads Western Australia's Wheatbelt Region the following day and would raise the matter at that meeting.

The crossing was subsequently discussed with Main Roads Western Australia. Main Roads agreed to take the matter forward for clarification and further review, including providing advice regarding the decision to install active warning lights at other crossings but not at the relocated Calingiri–New Norcia Road crossing.

On 9 November 2025, Peter Hewlett wrote to the Shire and restated his concerns. He expressed the view that the sight lines were particularly difficult for drivers of long-bonneted trucks approaching from the west. He also sought the removal of vegetation as an interim measure and continued advocacy for active warning lights.

The Chief Executive Officer responded in writing on 10 November 2025. The response confirmed that the matter had been discussed at length with Main Roads Western Australia and that it had been taken forward for further clarification and review. The Chief Executive Officer also advised that vegetation management would require consultation with CBH and Arc Infrastructure before work could be undertaken.

The matter was subsequently raised by the author with Infrastructure Australia representatives at the National Roads, Transport and Infrastructure Congress held in Bendigo in November 2025. Infrastructure Australia advised that it was aware of the earlier correspondence raised by the Chief Executive Officer as it had been passed on by Main Roads WA and confirmed that the matter had been discussed.

Further concerns raised by Martindale Pty Ltd

In December 2025, Malcolm McCusker also raised concerns regarding vegetation and sight lines at the crossing. The Shire advised that the vegetation was situated within the rail corridor and recommended that Arc Infrastructure be approached because the corridor and vegetation fell within its area of responsibility.

The response also explained that the Shire could support Arc Infrastructure if assistance were requested, but the Shire could not independently enter the corridor and undertake the work without the necessary authority and safety arrangements.

ONRSR engagement

In August 2026, the Chief Executive Officer and Mr Silvio Brenzi, Manager of Works and Services, met with representatives of the Office of the National Rail Safety Regulator during the National Roads, Transport and Infrastructure Congress.

The Shire raised the Calingiri–New Norcia Road crossing, including the concerns about vegetation, sight lines and the earlier decision not to install active warning lights.

Following those discussions, ONRSR agreed to review the crossing and engage with Arc Infrastructure and Main Roads Western Australia regarding rail safety requirements and potential

improvement measures. A date for the proposed review or site inspection has not yet been confirmed.

September 2026 correspondence

On 13 September 2026, Peter Hewlett wrote to Lachlan Hunter MLA, Member for Central Wheatbelt, and again raised concerns about sight lines and vegetation. The correspondence referred to the route's use by agricultural freight vehicles, tourists and local traffic and sought action before harvest. This matter was referred to the Chief Executive Officer by Mr Lachlan's office and he responded to the honourable member on the same day.

On 14 September 2026, the Chief Executive Officer provided Peter Hewlett with a detailed update outlining the Shire's earlier engagement with Main Roads Western Australia and Infrastructure Australia and the more recent commitment secured from ONRSR. The update confirmed that the matter had remained active and continued to be progressed through the relevant agencies.

On 16 September 2026, Malcolm McCusker wrote to the Shire and supported the concerns raised by Peter Hewlett. He sought vegetation removal before harvest and questioned whether the Shire could arrange for the vegetation to be cut back.

A detailed briefing note was prepared for Cr Pauline Bantock before her meeting with Malcolm McCusker and Peter Hewlett on 24 September 2026. The briefing note set out the project history, the concerns raised, actions undertaken by the Shire, the responsibilities of external agencies, the original environmental approvals and the latest advice from Arc Infrastructure.

On 22 September 2026, the Shire formally responded to Malcolm McCusker. The response explained that:

- Arc Infrastructure manages the railway corridor;
- the Public Transport Authority retains statutory authority over the corridor land;
- the Shire cannot independently enter the corridor or remove vegetation without the involvement and approval of the relevant rail authorities;
- Main Roads Western Australia had assessed the sighting distances in June 2025 and found them compliant at that time;
- Arc Infrastructure acknowledged that conditions may change; and
- Arc Infrastructure's regional and environmental teams were progressing the permits required for rectification works.

Later on 22 September 2026, Malcolm McCusker requested the contact details of the relevant officer at Arc Infrastructure so that he could raise the matter directly.

The Chief Executive Officer provided the contact details of Igor Colic, Senior Project Engineer, External Projects, and reiterated that the Shire could not dispense with applicable approvals or independently undertake vegetation removal within the rail corridor. The response explained that additional vegetation work must occur through the appropriate rail corridor access, rail safety and environmental approval processes.

On 25 September 2026, Malcolm McCusker wrote again following his meeting with the Shire President and Peter Hewlett. He maintained that the matter required urgent action before harvest, questioned what practical steps had been taken by the Shire beyond discussions with other organisations, and expressed the view that the Shire and Chief Executive Officer carried a duty of care in relation to road safety.

These comments represent the position expressed by Malcolm McCusker. They do not alter the legal and operational requirement that vegetation removal within the rail corridor must be undertaken or

authorised through the parties responsible for the corridor and in accordance with applicable safety and environmental approvals.

Following the meeting with representatives of Martindale Pty Ltd, Cr Pauline Bantock submitted the Notice of Motion now before Council.

COMMENT

Work Undertaken to Date

As detailed in the Background section of this report, the Shire has actively progressed concerns regarding the Calingiri-New Norcia Road rail crossing since they were first raised by Peter Hewlett during 2025.

Those actions have included:

- raising the matter with Main Roads Western Australia following discussions with Peter Hewlett;
- seeking clarification regarding the decision not to install active warning lights at the crossing;
- raising the matter with Infrastructure Australia;
- engaging directly with Arc Infrastructure regarding visibility, vegetation management and sight line concerns;
- raising the crossing with the Office of the National Rail Safety Regulator (ONRSR) at the National Roads, Transport and Infrastructure Congress;
- obtaining ONRSR's agreement to review the crossing and engage with Arc Infrastructure and Main Roads Western Australia;
- providing updates to the Bush Fire Advisory Committee regarding the concerns raised and the advocacy being undertaken by the Shire;
- maintaining ongoing correspondence with Peter Hewlett and Malcolm McCusker; and
- obtaining updated advice from Arc Infrastructure regarding the progression of rectification works.

The evidence before Council demonstrates that the matter has remained active for a considerable period and has been escalated through the organisations responsible for rail corridor management, rail safety and road infrastructure. The Background section of this report outlines that history in detail.

Notice of Motion

The Chief Executive Officer supports the intent of the Notice of Motion.

However, Council should note that a significant proportion of the outcomes sought by the Notice of Motion have already been achieved through work undertaken by the Shire administration.

Acknowledgement of Work Undertaken

The Notice of Motion formally recognises work already undertaken by the Shire.

The Shire has advocated to Main Roads Western Australia, Arc Infrastructure, Infrastructure Australia and ONRSR over an extended period regarding rail crossing safety, sight lines and

associated concerns. The Notice of Motion formally recognises work that has already been undertaken rather than initiating a new program of action.

Advocacy to Relevant Agencies

The advocacy contemplated by the Notice of Motion is already underway and continues to be pursued..

The concerns raised by Martindale Pty Ltd have been communicated to the organisations responsible for the rail corridor and rail safety. The Shire has consistently pursued the matter with those organisations and continues to do so.

Investigation of Rectification Works

This has largely already occurred.

The Shire has sought and obtained advice from Arc Infrastructure regarding the current status of the matter. Arc Infrastructure has confirmed that its regional and environmental teams are actively progressing the permits and approvals required to undertake rectification works.

Reporting to Council

This report itself provides Council with a detailed update regarding the matter and establishes a basis for future reporting should further information be received from Arc Infrastructure, the Public Transport Authority or ONRSR.

Remaining Gaps

While substantial work has already been undertaken, several matters remain unresolved.

Scope of Proposed Rectification Works

Arc Infrastructure has confirmed that rectification works are being progressed through its internal approval processes. However, the Shire has not yet received definitive advice regarding:

- the precise works proposed;
- the extent of vegetation removal contemplated;
- whether additional safety treatments are being considered; and
- the approvals and implementation requirements associated with the proposed works.

Timeframe for Implementation

At present, no timeframe has been provided by Arc Infrastructure.

Given the impending harvest season, this remains a legitimate concern and is likely to be the issue of greatest interest to Council and the community.

Interim Measures

The Shire has not yet received advice regarding whether any interim measures can be implemented before completion of the permanent works.

This is an area where further clarification from Arc Infrastructure and the Public Transport Authority would be beneficial.

ONRSR Review

ONRSR has agreed to review the crossing and engage with Arc Infrastructure and Main Roads Western Australia. However, a date for that review has not yet been confirmed.

Officer Assessment

In the Chief Executive Officer's view, the current position differs significantly from the circumstances that existed when the issue was first raised.

At that time, concerns regarding vegetation and sight lines had not resulted in any specific commitment from the responsible rail authorities.

The position has now progressed to a point where:

- Arc Infrastructure has acknowledged the issue;
- Arc Infrastructure has referred the matter to its regional and environmental teams;
- Arc Infrastructure has confirmed that permit and approval processes are underway;
- ONRSR has agreed to review the crossing; and
- the matter remains under active consideration by the responsible organisations.

Accordingly, the key outstanding issue is no longer whether the matter is being progressed. The available information confirms that the matter remains under active consideration by the responsible agencies. The remaining requirement is to obtain certainty regarding the scope of the proposed rectification works, the approvals required, the timeframe for implementation, any interim measures that may be available pending completion of those works, and the timing of the proposed review by the Office of the National Rail Safety Regulator (ONRSR).

Conclusion

The Chief Executive Officer considers that the Shire has already undertaken and achieved a substantial proportion of the actions contemplated by the Notice of Motion.

The primary value of the Notice of Motion is therefore not to initiate action, but rather to reinforce Council's support for the advocacy already being undertaken and to formally seek resolution of the remaining information gaps regarding the scope, timing and implementation of rectification measures being progressed by the responsible agencies.

CONSULTATION

The following consultation and engagement has occurred:

- Cr Pauline Bantock, Shire President
- Sean Fletcher, Chief Executive Officer
- Silvio Brenzi, Manager of Works and Services
- Peter Hewlett, Martindale Pty Ltd
- Malcolm McCusker, Martindale Pty Ltd
- Igor Colic, Arc Infrastructure
- Arc Infrastructure

- Public Transport Authority
- Main Roads Western Australia
- Infrastructure Australia
- Office of the National Rail Safety Regulator
- Lachlan Hunter MLA, through correspondence initiated by Martindale Pty Ltd

STATUTORY CONTEXT

Local Government Act 1995

Section 2.7: Role of council

Section 2.7 provides that Council governs the local government's affairs and is responsible for the performance of the local government's functions. Consideration of advocacy relating to local transport infrastructure and community concerns is consistent with Council's governing role.

Section 5.41: Role of CEO

Section 5.41 establishes the Chief Executive Officer's executive role and provides that the CEO is Council's principal adviser. This includes advising and procuring advice for Council and ensuring Council has the information and advice required to make informed and timely decisions.

Rail Safety National Law Application Act 2024

The Rail Safety National Law Application Act 2024 applies the Rail Safety National Law as a law of Western Australia. The national framework provides for the regulation of railway operations, including the responsibilities of accredited rail transport operators and rail infrastructure managers for managing rail-safety risks.

Rail Freight System Act 2000

The legislation provides the statutory framework applying to the State's freight rail system and associated corridor land. The Shire **cannot independently** undertake work within the rail corridor without the required authority and approval.

Environmental Protection Act 1986

The original intersection and rail crossing relocation works were undertaken under Native Vegetation Clearing Permit CPS 8357/1. The existing approval **does not** provide unrestricted authority for additional clearing outside its approved scope or conditions.

CORPORATE CONTEXT

Strategic Community Plan/Corporate Business Plan

The proposal aligns with the following strategic priorities contained within the Shire's Strategic Community Plan:

Strategic Priority	Alignment
1.1 Healthy, connected and safe communities	The proposal seeks to address community concerns regarding visibility and sight lines at the Calingiri-New Norcia Road rail crossing and supports Council's objective of maintaining safe communities.

2.2 Safe and efficient transport network enables economic growth

The proposal supports the ongoing safety and functionality of an important transport route utilised by local, agricultural and heavy-vehicle traffic and the continued movement of freight throughout the district.

Delegation

Nil.

The Notice of Motion concerns an advocacy position to be determined by Council. Implementation of any Council resolution will be managed administratively by the Chief Executive Officer.

Policy Implications

There are no direct policy implications arising from the Notice of Motion.

The proposed actions are consistent with Council's broader role in advocating for safe transport infrastructure and communicating identified community concerns to the responsible organisations.

Other Corporate Documents

The following documents are relevant:

- tripartite arrangements relating to the relocation of the Calingiri–New Norcia Road rail crossing;
- 20250514_ Shire of Victoria Plains - Licence to Use and Occupy Corridor Land_Calingiri (V1);
- Native Vegetation Clearing Permit CPS 8357/1 and associated appeal documentation;
- project plans and approvals for the Calingiri–New Norcia Road and Toodyay–Bindi Bindi Road intersection realignment;
- correspondence between the Shire, Main Roads Western Australia, Arc Infrastructure, ONRSR and Martindale Pty Ltd;
- Martindale_Pty_Ltd_Final_Briefing_Note_22_September_2026 (Shire President).

Risk Analysis

Risk area	Consequence	Likelihood	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Reputation: Community confidence in the Shire may be affected if concerns regarding the rail crossing are perceived as not having been appropriately progressed or communicated.	Minor (2): Substantiated concern with a low impact and low news profile consistent with the Reputation consequence criteria.	Possible (3): Concerns have already been raised with the Shire, the Shire President, the local Member and external agencies.	Moderate (6)	Adequate Detailed responses to correspondents; briefing of the Shire President; engagement with Main Roads Western Australia, Arc Infrastructure, Infrastructure Australia and ONRSR; preparation of the detailed briefing paper; and this Council report. Controls assessed as Adequate.	Remains Moderate Continue transparent communication regarding responsibilities, actions undertaken and information received from responsible agencies. Provide updates to Council as further advice becomes available.

Compliance: The Shire may become involved in actions or commitments relating to vegetation management within the rail corridor without the necessary statutory approvals, permissions or authorisations.	Minor (2): Some temporary non-compliance or concern requiring formal engagement with relevant parties, consistent with the Compliance consequence criteria.	Unlikely (2): The Shire has consistently recognised that Arc Infrastructure and the Public Transport Authority are responsible for the corridor and that approvals are required prior to any works.	Low (4)	Adequate Review of corridor agreements; review of clearing permit conditions; consultation with Arc Infrastructure and the Public Transport Authority; and documented correspondence explaining the statutory position. Controls assessed as Adequate.	Remains Low Continue to require written approvals and authority from the responsible agencies before any Shire involvement in physical works.
Environmental: Future vegetation management works may affect vegetation within the rail corridor if not undertaken in accordance with applicable environmental approvals and permit conditions.	Minor (2): Contained and reversible impacts managed through internal or external response, consistent with the Environmental consequence criteria.	Unlikely (2): Arc Infrastructure's environmental team is assessing approval requirements and the Shire has acknowledged that further works cannot proceed without approval.	Low (4)	Adequate Native Vegetation Clearing Permit CPS 8357/1 review; Arc Infrastructure environmental review; corridor approval requirements; and existing environmental assessment processes. Controls assessed as Adequate.	Remains Low Ensure any future vegetation management works are supported by the necessary environmental, rail-safety and corridor approvals prior to implementation.

Risk acceptance

Under the Shire's Risk Acceptance Criteria:

- **Low risks** are acceptable with adequate controls, managed through routine procedures and subject to annual monitoring.
- **Moderate risks** are to be monitored, managed through specific procedures and subject to semi-annual monitoring, with responsibility resting with the relevant operational manager.
- **High risks** require urgent attention, senior management oversight and monthly monitoring.
- **Extreme risks** are generally unacceptable and rest with the CEO and Council.

FINANCIAL IMPLICATIONS

There are no known material financial implications arising directly from the Notice of Motion.

The actions contemplated by the Notice of Motion are limited to advocacy, stakeholder engagement, obtaining information from relevant agencies and reporting to Council. Any costs associated with these activities can be accommodated within existing operational budgets and officer resources.

At the time of preparing this report, no request has been made for the Shire to contribute financially to any proposed vegetation management, sight-line improvement works or other rail crossing treatments.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

That Council

1. **ACKNOWLEDGES** the work undertaken by the Chief Executive Officer and Shire officers in progressing concerns regarding visibility and sight lines at the Calingiri-New Norcia Road rail crossing, including engagement with Arc Infrastructure, Main Roads Western Australia, Infrastructure Australia and the Office of the National Rail Safety Regulator (ONRSR).
2. **ENDORSES** and **SUPPORTS** the continued advocacy being undertaken by the Chief Executive Officer with the organisations responsible for rail infrastructure, rail safety and associated transport infrastructure in relation to the Calingiri-New Norcia Road rail crossing.
3. **REQUESTS** the Chief Executive Officer to obtain and report to Council on:
 - a. the scope, timing, approvals and implementation requirements associated with any rectification works being considered or progressed by Arc Infrastructure.;
 - b. any interim safety measures that may be implemented pending completion of those works; and
 - c. the outcome of any review undertaken by the Office of the National Rail Safety Regulator (ONRSR).
4. **REQUESTS** the Chief Executive Officer to provide updates to Council as substantive information becomes available from Arc Infrastructure, the Public Transport Authority, Main Roads Western Australia and the Office of the National Rail Safety Regulator.
5. **REQUESTS** the Chief Executive Officer to advise Lachlan Hunter MLA of Council's resolution and ongoing concerns regarding visibility and sight lines at the Calingiri-New Norcia Road rail crossing.

For _____ / Against _____