

11 December 2020

Attention: Mikaela Meggetto  
Coroner's Registrar  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Dear Ms Meggetto,

**Re: Investigation into the death of Jason Devon T Pinto Jayawardena**

We refer to Coroner Audrey Jamieson's Finding without inquest into the death of Jason Devon T Pinto Jayawardena and provide the Council's response to the recommendations made by the Coroner in that finding.

The Coroner has made a recommendation that Council erect signage in both directions of Bessie Creek Road, Nar Nar Goon North, Victoria 3812, advising of the upcoming sweeping bend and mandating a reduction in speed. This recommendation of the Coroner will be partially implemented by the council. The council will be installing signage warning of the upcoming bend. However, it will not be installing signage mandating a reduction in speed for the bend at this time.

Council as the responsible road authority has undertaken a number of investigations recently in Bessie Creek Road as a result of your Coroners findings relation to the death of Pinto Jayawardena, Jason Devon Trevin. The bend immediately north of the crash site does not currently have bend warning signs as it is a very large radii bend (*approx. 400mR*) with an operating (design) speed of 90-95km/h. The curve design speed was assessed to verify its value. In accordance with Australian Standards (AS1742.2 Table 4.5) this bend has not been signed previously as there is minimal speed deficiency relating to its approach speed (100km/h) vs operating speed (90-95km/h) and there is no vertical curve or other misleading cues approaching this curve (AS1742.2 Clause 4.4.5). As it is a relatively cost effective measure to install signs, Council intends to place curve warning signs in advance of this bend. However, it does not intend to reduce the speed for this bend. Given the minimal difference in speed limit to the curve operating speed, no speed advisory plate is considered necessary (or suitable) in accordance with Australian Standards (AS1742.2 Table 4.5 as shown below).

The Coroner has made a recommendation that the Council review statistical data associated with this stretch of road and consider reducing the speed limit along the stretch of Bessie Creek Road, Nar Nar Goon North from 100km/hr to 80km/hr. The council has implemented this recommendation of the Coroner prior to the Coroner's findings. Council's traffic engineers regularly review statistical data for its whole road network though its annual BlackSpot Program utilising Department of Transport / Victoria Police historical crash data, as well as monthly / bi-monthly meeting with the Victoria Police Highway Patrol. During Council's 2019 road network data analysis, the length of Bessie Creek Road between Dore Road and Seymour Road was identified as a 'BlackLength' (which includes this crash site). This site was the subject of a Federal BlackSpot Application in late 2019 that was successful. The proposed treatment includes crash barriers, additional / improved delineations (signage, line marking, guide posts and reflectors) as well as improved shoulders. Council's project engineers have recently finalized the contract for this Federally funded

project, and on-site construction commenced in mid-October 2020. At this particular crash site location (curve and tree) there will be new / extended crash barriers to enhance safety in this road, or reduce the severity of run off road type crashes, and the treatment will also incorporate additional reflectors in the crash barriers for improved after dark visibility.

Council's traffic engineers have also used "appropriate statistical data" to investigate the speed zone for this road. As per DoT State Speed Zoning Guidelines (SSZG), Council as the responsible authority, use a program called VLimits that utilises a number of factors to suggest an appropriate speed zone under the current SSZG. A speed zone change is not indicated by either VLimits, or considered appropriate under the current SSZG, given the surrounding rural environment, as well as the current BlackSpot works being undertaken to improve safety of this rural environment. This road is a relatively high standard local rural road which is typical for a large number of our rural local roads throughout the municipality and it is not considered suitable or feasible to look at a wholesale change. However, a pilot trial program is being investigated by the Department of Transport and Council and, if successful, this could result in more widespread changes to speed limits in rural areas.

If you have any further questions regarding this matter we will be happy to assist.

Yours sincerely



**Peter Benazic**  
General Manager Infrastructure & Environment