

Colac Otway
SHIRE

MINUTES

MEETING OF SPECIAL COUNCIL
OF THE
COLAC-OTWAY SHIRE
COUNCIL

9 SEPTEMBER 2009

at 2:00 PM

COPACC 2

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

_COLAC-OTWAY SHIRE SPECIAL COUNCIL MEETING

9 SEPTEMBER 2009

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MINUTES of the MEETING OF SPECIAL COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL held at the COPACC 2 on 9 September 2009 at 2.00pm.

1. OPENING PRAYER

2. PRESENT

Cr Brian Crook (Mayor)

Cr Frank Buchanan

Cr Stephen Hart

Cr Stuart Hart

Cr Geoff Higgins

Cr Lyn Russell

Cr Chris Smith

Rob Small, Chief Executive Officer

Colin Hayman, General Manager, Corporate and Community Services

Jack Green, General Manager, Sustainable Planning and Development

Neil Allen, General Manager, Infrastructure and Services

Rhonda Deigan, Executive Officer

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson;
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

5. DECLARATION OF INTEREST

Cr Buchanan:	SC090909-1 Review of Bridge Load Limits
Nature of Disclosure:	Direct Interest
Nature of Interest:	Restricted access due to bridge load limit

Having declared a conflict of interest in Item OM090909-1 Cr Buchanan left the Council Chamber at 2.02 pm

6. VERBAL SUBMISSIONS

SC090909-1 REVIEW OF BRIDGE LOAD LIMITS

CS055 Rafferty's Road Bridge
Neil Longmore on behalf of Marina Lewis (resident)

CS0249 Upper Gellibrand Road
Tim McDonald – Employee of Midway Plantations

OFFICERS' REPORTS

Infrastructure and Services

SC090909-1 REVIEW OF BRIDGE LOAD LIMITS

Rob Small
Chief Executive Officer

AUTHOR:	Neil Allen	ENDORSED:	Rob Small
DEPARTMENT:	Infrastructure & Services	FILE REF:	GEN000016/Bridges

Purpose

The purpose of this report is to hear submissions under Section 223 of the Local Government Act 1989 in relation to a proposal to implement load limits on a number of bridges within the municipality as previously reported to the 24 June 2009 Council meeting.

Declaration of Interests

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

Background

Council resolved at its meeting on 24 June 2009 as follows;

“That Council:

1. *Endorse the proposal to implement the following load limits:*

<u>Bridge No.</u>	<u>Road Name</u>	<u>Load Limit</u>
CS022	Upper Gellibrand Road	12 tonnes
CS044	Apollo Bay Recreation Reserve	5 tonnes
CS051	Rollings Access	12 tonnes
CS052	Veseys Access	8 tonnes
CS055	Raffertys Road	6 tonnes
CS060	Scorcis Access	5 tonnes
CS249	Upper Gellibrand Road	12 tonnes
CS084	J Barrys Road	2 tonne axle load

Subject to complying with Section 223 of the Local Government Act 1989 and a six week notification period.

- a. *If no submissions or objections are received, instruct the General Manager Infrastructure and Services to implement the load limits as recommended.*
 - b. *If submissions are received, these will be heard by Council at 2.00pm on Wednesday 9 September 2009 in accordance with Section 223 of the Local Government Act 1989.*
 - c. *If required a final decision shall be made by Council following preparation of a report by the General Manager Infrastructure and Services, to the following Council meeting.*
2. *Refer the work to rehabilitate each of the structures to Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.”*

Council will need to hear any submissions prior to resolving to implement any bridge load limits, undertaking works or referring the work to rehabilitate each of the structures to

Council's Capital Works and Major Projects Program for detailed costing and prioritisation within the relevant programs.

Council Plan / Other Strategies / Policy

The annual bridge inspection program is consistent with Council's objective to manage its roads and associated infrastructure in accordance with its Road Management Plan. The Road Management Plan defines minimum frequencies at which condition inspections are completed for Council's bridge stock.

Issues / Options

Four submissions were received from the community with one submitter Ms Marina Lewis requesting to be heard either in person or by someone representing her. Council has been circulated a memo which includes a copy of the submissions prior to this meeting.

Proposal

Council must hear any submitters requesting to be heard in accordance with Section 223 of the Local Government Act 1989, prior to making a decision in relation to this matter. Based on the submissions, a further report will be presented to Council with recommendations in relation to the implementation of the required load limits.

Financial and Other Resource Implications

An allocation of \$120,000 has been included in Council's draft 2009/10 budget specifically for the rehabilitation of its bridges and major drainage structures. This proposed program is intended to address the overall renewal needs of this asset group, however, the cost of repairing the bridges have not yet been determined and no funding has been provided in the 2009/10 Council Budget for the repair of these bridges.

The annual bridge renewal program will be determined on a priority basis which considers over all investment benefits, risk to Council and road users, road network and community needs. The structures assessed during the inspection program will be considered against other competing priorities for inclusion in future years of this program, after a detailed cost analysis has been determined for all the structures.

Risk Management & Compliance Issues

Council must take reasonable actions when it becomes aware of potential liabilities. In this case, Council must undertake one of the following;

1. Impose a load limit on the bridges in accordance with the recommendations of the Structural Engineers report and as previously reported to the 24 June Council meeting.
2. Repair the bridges identified to increase the structural capacity.
3. Close the bridges to all traffic.
4. Undertake a combination of the above.

Council has a duty of care and cannot do nothing, now that it is aware of the problem. If it fails to take reasonable steps to mitigate its risk, Council's insurer would not be required to cover Council in the event of an accident. Hence Council would not be covered by insurance and this could expose the rate-payers to multi-million dollar claims.

Environmental and Climate Change Considerations

No environmental considerations are applicable at this time.

Communication Strategy / Consultation

All submitters pursuant to Section 223 of the Local Government Act 1989, will be advised of the Council resolution prior to implementing any load limits.

Implementation

The outcome of hearing of submissions will require a further report to Council with recommendations, prior to undertaking any works.

Conclusion

That Council hear any submitter(s) and that the General Manager Infrastructure and Services provides a further report back to Council with recommendations.

Attachments

Nil

Recommendation(s)

That Council:

- Council hear submission(s) in accordance with Section 223 of the Local Government Act 1989 and that a further report be provided to Council in relation to implementation of load limits on the following bridges;**

<u>Bridge No.</u>	<u>Road Name</u>	<u>Proposed Load Limit</u>
CS022	Upper Gellibrand Road	12 tonnes
CS044	Apollo Bay Recreation Reserve	5 tonnes
CS051	Rollings Access	12 tonnes
CS052	Veseys Access	8 tonnes
CS055	Raffertys Road	6 tonnes
CS060	Scorcis Access	5 tonnes
CS249	Upper Gellibrand Road	12 tonnes
CS084	J Barrys Road	2 tonne axle load

Having declared a conflict of interest in Item OM090909-1 Cr Buchanan left the Council Chamber at 2.02 pm

Cr Buchanan:	SC090909-1 Review of Bridge Load Limits
Nature of Disclosure:	Direct Interest
Nature of Interest:	Restricted access due to bridge load limit

Resolution

MOVED Cr Lyn Russell seconded Cr Stephen Hart

That Council:

1. **Council hear submission(s) in accordance with Section 223 of the Local Government Act 1989 and that a further report be provided to Council in relation to implementation of load limits on the following bridges;**

<u>Bridge No.</u>	<u>Road Name</u>	<u>Proposed Load Limit</u>
CS022	Upper Gellibrand Road	12 tonnes
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CS084	J Barrys Road	2 tonne axle load

CARRIED 6 : 0

The Meeting Was Declared Closed at 2.11 pm

CONFIRMED AND SIGNED at the meeting held on

.....**MAYOR**

.....**CHIEF EXECUTIVE OFFICER**