

Strathbogie Shire Council

Extraordinary Council Meeting Minutes/Decisions

Tuesday 23 January 2024

Minutes/Decisions

Extraordinary Council Meeting

Tuesday 23 January 2024, at 6:00 pm

Meeting held at the Nagambie Lakes Regatta Centre and livestreamed on Council's website:

<https://www.strathbogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Interim Administrator:

Peter Stephenson

Officers:

Julie Salomon – Chief Executive Officer

John Harvey – Director Sustainable Infrastructure

Meeting Procedure

1. Welcome

2. Acknowledgement of Country

We acknowledge the Traditional Custodians of the places we live, work and play. We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging. Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.

3. Privacy Notice

This public meeting was streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and is made available for public access on our website along with the official Minutes/Decisions of this meeting. All care is taken to maintain your privacy; however, as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes/Decisions.

4. Governance Principles

Council considers that the recommendations contained in these Minutes/Decisions gives effect to the overarching governance principles stated in Section 9(2) of the Local Government Act 2020. These principles are as follows:

- 1. Council decisions are to be made and actions taken in accordance with the relevant law;*
- 2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- 3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- 4. the municipal community is to be engaged in strategic planning and strategic decision making;*
- 5. innovation and continuous improvement is to be pursued;*
- 6. collaboration with other Councils and Governments and statutory bodies is to be sought;*
- 7. the ongoing financial viability of the Council is to be ensured;*
- 8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- 9. the transparency of Council decisions, actions and information is to be ensured.*

5. Apologies / Leave of Absence

Amanda Tingay – Acting Director People and Governance
Rachael Frampton – Acting Director Community and Planning

6. Disclosure of Conflicts of Interest

Nil

7. Public Question Time

Council Ref: RT: 01/2024

1. I've almost had a head-on collision at the Hudson Road, Reedy Lake Road, Weir Road and Richards Road corner/ intersection when a semi-trailer had to come across onto the wrong side of the road to get around the corner. How are you planning on making that corner safe and aligned with IDM guidelines with the current traffic count?
2. With only a 4m seal and 1.5m gravel shoulders, how do you maintain the shoulders of the road? With flood waters and daily wear and tear, the shoulders will degrade quickly and develop deep potholes and corrugations because all vehicles will need to move onto the shoulders to pass oncoming traffic. How do you maintain the shoulders so they are safe to pass, and if so, how often will you assess the safety of the shoulders?
3. The Road Safety Report says there is no public transport. This is incorrect. A school bus travels this road and will need to pull over onto the gravel shoulder when another vehicle is approaching. As a public primary school bus travels this route twice daily during school terms, would this have an impact on the safety audit recommendations? to the public through the Council website?

Response

1. *Weir Road currently has a number of trees that encroach into the road envelope therefore, to avoid the trees larger vehicles prefer to utilise the centre of the road. This and speed influences how the trucks use the intersection.*
The current design has been reviewed by the road safety auditors and they consider with the use of the unsealed shoulders through this area will permit the passing two large vehicles and did not recommend any amendments to the design.
A further review of the design by council officers has been performed of this intersection and it is considered that increasing the seal width to 6.20m wide and applying centreline line marking will further enhance the safety at this location and the design will be amended accordingly during the construction of the project.
It is important to note that Weir Road is not a designated heavy vehicle route but can accommodate vehicles required for agribusiness.
2. *The wear and tear of the unsealed shoulders and the sealed surface will be completed in accordance with Council's Road Management Plan. Council has considerable length of unsealed shoulders across the Municipality, subsequently we have well established maintenance practices to manage this type of asset.*
3. *the context of the comments related to Public Transport using the road in the Road Safety Audit relates to the road being part of a Public Transport Bus route, of which this road is not currently used.*
A School Bus route is not a Public Transport Route. The use of the road as a School Bus route has no impact on the findings of the Road Safety Audit.

7. Public Question Time (cont.)

Council Ref: JA: 02/2024

A permit for removal of Native Vegetation is required for this project.

Officers report indicates that work on Weir Rd will commence prior to this permit being applied for, advertised, assessed and granted.

Does this mean the permit will be granted and this application process is just a paperwork formality?

What if there are objections to the Native Vegetation removal and the permit is refused - will the road design need to be changed?

The report states - "This design requires approximate removal of 37 trees".

What is meant by APPROXIMATE"? How many trees will be removed?

Response

The project to construct Weir Road comprises of rehabilitating existing pavement and sealing the resultant surface for a length of approx. 2.70 km.

The trees identified to be removed are those directly impacted by the construction of the road, and generally are located at the cross-culvert locations.

Due to the length of the work, and therefore the length of time to complete the roads construction, it is considered that sufficient time is available to construct the road in locations where the trees do not impact on the road whilst the tree permits are obtained.

The design has been optimised as much as practicable to minimise the removal of trees, and the protection of many trees to reduce the impact on the native vegetation.

The exact number of trees requiring removal will be determined by the arborist performing the assessment of the trees and subsequently the value of the native vegetation offset.

Once this assessment has been completed the actual number of trees to be removed will be identified definitively in the planning permit application.

Should the permit for the tree removal not be granted the road at these locations will be required to be redesigned for their retention.

This redesign work may create minor delays on the completion of the project at these locations if required.

The options available for the tree's retention will impact on the operation of the road as it will require further reductions in the width of the road carriageway at these locations.

This will possibly result in sections of the road operating under alternate oneway conditions like the conditions employed on one lane bridges in times gone by.

The tree removal permits are not a paper formality, but a clear requirement of the planning scheme processes where the community will be provided with this level of detail for consideration without holding up the entire project's construction.

7. Public Question Time (cont.)

Council Ref: DM: 03/2024

1. For the record I wish to express my concerns that the community views and suggestions have been ignored. You intend to proceed with this construction without addressing the dangers at the junction of Weir Rd, Hudson Rd, Richards Rd, Reedy Lake Rd. Two reports have both indicated concerns of this road's design as referred to in the CAF Engineering report stating they have concerns that vehicles will cross to the opposite side to negotiate this corner. Also, the report by Red Square Traffic on the Detailed Design Road Safety Audit section 4 item 4.1 page 12 -- Auditors cannot guarantee that every deficiency has been identified and if all the recommendations in this report were to be followed this would not guarantee that this section of road is " Safe " rather, adoption of the recommendations should improve the level of safety for this road. Also for mention is the reference on page 26 of the same report which states, both vehicles turning at the Nagambie/Rushworth and Weir Rd must have both outer wheels on the shoulder while passing.
How will this method be achieved at the 4-way road junction and what are your recommendations for the corner in question?
2. The decision to proceed with Weir Road construction without any floodplain study report, a plan for future flood mitigation, or a design for water diversion in place, the road will still create a hazard for travelers on Weir Rd and create further flooding to landowners.
Contrary to the Agenda Officer's report notes for the Extraordinary Council Meeting, at least three landowners adjacent to Weir Rd have not been contacted or approached by any representatives of the Shire, as to the level of work to be carried out.
Why are floodwaters not taken into account in the planned construction of Weir Rd?

Response

1. *Please be assured that officers have considered the views and suggestions raised by the community seriously. This is why an independent road safety audit was conducted to review the current design.*
The road safety auditors consider that the current design with the use of the unsealed shoulders through this area will enable large vehicles to pass safely. They did recommend additional amendments to the design.
Following further meetings with the community, officers have since reviewed the design performance of this intersection and it is considered that increasing the seal width to 6.20m wide and applying centreline line marking will further enhance the safety at this location and the design will be amended accordingly during the construction of the project.
2. *Weir Road is not within the current Flood or Land Subject to Inundation planning overlays, subsequently information to provide accurate flood modelling for the road is not available.*
Council acknowledges that during heavy rain events water has gathered on the land either side of the road and pools against the road formation, inundating the road surface previously for generally short durations.
These events are considered to be localised flooding and not significantly influenced by the Goulburn River and Lake Nagambie Flood plain.
The road design has been elevated in a number of locations to provide for additional pavement thickness and improvements to the longitudinal grades of the road to provide appropriate operating speeds for the road.

7. Public Question Time (cont.)

This has generally lifted the road and in locations where water crossed previously, will provide some relief to possible future inundation events, however without the flood overlays to inform the design no additional work can be completed on this aspect of the roads design.

Council Ref: RW: 04/2024

The last audit of traffic flow of 320 on Weir Road Nagambie are 'out of date'.

Current traffic flows show significant increases.

Summer traffic with no Kirwans Bridge indicate more than 20% increase.

What steps has shire taken to upgrade data supplied to road safety audit process?

Will shire conduct an urgent review and audit of traffic use of Weir Road?

Response

Whilst the most recent traffic count on Weir Road occurred in May 2023, traffic counts are not the guiding principle for the decision on the standard of construction of the road.

The protection of the existing Native Vegetation whilst providing the highest level of service to the travelling public was also a primary objective as reported to Council at the August and September 2023 Council meetings.

The proposed design for Kirwans Bridge will function in the same manner as the current roads condition, apart from the improved level of service provided by the 4.0m seal and more appropriate pavement materials used in the wider sealed shoulders.

The standard of construction for road classifications does not alter from one classification to the next until the traffic counts reach 500 vehicles per day (or greater).

It is acknowledged that the current volume is close to this amount and ongoing monitoring of the traffic volumes will be performed, as will Councils endeavours to obtain State and/or Federal funding for the reopening of Kirwans Bridge to relieve the traffic volumes on Weir Road

8. **Officer Reports**

8.1 Strategic and Statutory

8.2 Community

8.3 Infrastructure

8.4 Corporate

8.5 Governance and Customer Service

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	Nil	

8. OFFICER REPORTS

8.3 INFRASTRUCTURE

8.3.1 Contract No. 22-23-01: Weir Road and Reedy Lake Road

Author: Director Sustainable Infrastructure

Responsible Director: Sustainable Infrastructure

EXECUTIVE SUMMARY

At the August 2022 Council Meeting, Council awarded Contract No. 22-23-01 for Weir Road and Reedy Lake Road Upgrade – Nagambie to Seven Creeks Excavations Pty Ltd, following a competitive tender process. The lumpsum contract was for a total sum of \$738,070 inclusive of GST.

The project was scheduled to commence in October 2022, however, was delayed due to ongoing rain and a major flood event. Considering the impacts of the flood event, a renewed project design was developed (including detailed Geotech investigation) with the view to minimise the possibility of the road being impassable in a future flood.

At the April 2023 Council meeting, Council resolved to alter the design specifications to raise the road pavement height to above flood level, approve the contract variation of \$1,084,800.08, increasing Contract No. 22-23-01 to \$1,822,870.08 inclusive of GST and commence the works in September 2023 when weather conditions were more conducive to road construction.

In May 2023, traffic counts on Weir Road captured an increase in volume, now 320 vehicles per day (vpd), in comparison with a significant lower vehicle per day count when Kirwan's bridge is open. Given this change and to ensure the road design and subsequent works are in line with standards, a new Road Safety Audit was performed to ensure the current design (4.0m seal) met road safety standards at the current traffic count of 320vpd.

As per designers' advice, the safest and recommended option for this road is a 9.0m road pavement, requiring the removal of a minimum of 126 trees and installation of guard rail at an estimated cost of \$620,000 plus required native vegetation offsets.

As per Infrastructure Design Manual (IDM) standards, the minimum standard for a rural road design with more than 150vpd is a 6.2m seal with 1.5m shoulder both sides. Proceeding with the tendered design (4.0m road seal), does not meet the standards of the IDM.

However, the Infrastructure Design Manual does provide for the road design standards to be varied in cases where doing so would significantly impact on native vegetation as is the case at this location.

Subsequently, a road safety audit of the tendered design was completed to ensure that with the dissidence of the IDM standards, and the reduction of the number of trees to be removed, the design continued to provide an acceptable level of safety.

It was anticipated that the response from the Road Safety Auditor would have been available prior to the September 2023 Council meeting, however this was not the case.

8.3.1 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

Due to the concerns from the community regarding the proposed design, a report was received at the September 2023 meeting, where Council resolved that the contract would not commence until an independent Road Safety Audit (refer Attachment 1) is complete and that a further report is received by Council detailing available options, financial implications, and risk mitigation strategies.

The response from the independent road safety auditor has been received. They considered the initial design with the use of the 4.0m seal width appropriate, however recommended the unsealed shoulder widths be increased from the initial designed 1.0m width to 1.5m either side of the seal.

This design requires approximate removal of 37 trees. Significant numbers of trees will be protected by safety barriers as they are not being directly impacted by the design. A planning permit is required to remove these trees. The contract price does not include any monetary value for the native vegetation offsets.

It is recommended the project commences without impacting any trees whilst Council applies for a planning permit for their removal. The Planning Permit application is currently under preparation, once costs are received from the Arborist for the Native Vegetation offsets, the application will be submitted upon receipt of this information. The most recent design was also discussed with members of the Kirwans Bridge community and adjacent landholders to Weir Road, who are generally satisfied and keen to see project commencement.

The Contractor was also requested to reprice this design option, and following negotiations it is noted that the tender price of \$1,797,557.60 including gst which is less than the previously approved contract value for the project represents true value for money.

In addition, this amount excludes the contingent liability for a prolongation claim. Council officers are currently in negotiation with the tenderer and this matter will be subject to a future council report.

A member of the community addressed the meeting.

The Administrator adopted the Motion

That Council:

- 1. *Note the outcomes of the independent Road Safety Audit;***
- 2. *Proceed with the design for Contract No 22-23-01 being a 4.0m seal of the road with 1.5m unsealed shoulders (each side of the seal);***
- 3. *Note the contract variation of -\$25,312.48 decreasing the overall value of Contract No 22-23-01 Weir Road and Reedy Lake Road Upgrade – Nagambie, to \$1,797,557.60 including gst;***

8.3.1 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

MOTION (cont.)

4. ***Note that works will commence on the construction of the project where trees are not impacted whilst applying for a planning permit to remove the trees impacted by the works;***
5. ***Note that further reports will be tabled at a Council meeting in February/March 2024 regarding costs associated with the contingent liability for the prolongation claim and any native vegetation removal offsets (which form part of the total project cost); and***
6. ***Note construction will commence in January 2024.***

EM-01-23/24

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.40 P.M.

Confirmed as being a true and accurate record of the Meeting

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Chair

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Date