

6.10. NOTICE OF MOTION - REVIEW OF CONDITION OF "OLD" MOWBRAY RIVER BRIDGE

COUNCILLOR: Cr Terry Melchert

NOTICE OF MOTION:

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Tuesday 23rd February 2016:-

“that Council Immediately provide information to all Councillors and the Community on the condition of the viewing and fishing platform which exists at the southern of the “Old” Mowbray River Bridge with a view to determining whether the existing piles and headstocks can be used to create a new platform or whether an alternate platform can be created, and that a community consultation process be implemented immediately.”

BACKGROUND:

On 10th February 2016 a press release was issued advising that the “Old” Mowbray River Bridge and the access road would be removed immediately and the decision was based on a recently received engineering report. While public safety is paramount it is very unfortunate that the detail of the report was not made available to all Councillors or the Community.

Equally, it is unfortunate that no opportunity was given for all Councillors or the Community to discuss whether options may be available to either repair the structure or create a new lightweight structure.

I have received enquiries from across the Shire which are reflected in the above comments and the reason I have submitted this motion.

One tour guide has suggested that the outcome of the exiting decision may be even more dangerous because tourists use the road layby and platform as a safe opportunity to view the crocodiles in the river. He is concerned the only viewing option under the current proposal will be for people to park on the side of, and close to the highway.

OFFICER'S COMMENT:

The draft Level 2 Structure Inspection Report was provided to all Councillors on Monday 15 February, 2016. Staff made a decision to remove the structure due to its highly deteriorated condition, the necessity to protect public safety and the inability to repair to structure in situ. The expert report recommended the removal of the superstructure and further investigation into the substructure.

The removal of the platform and superstructure of the old Mowbray Bridge was completed on Tuesday 16 February, 2016.

The decision to immediately close and remove what remained of the old Mowbray Bridge platform was agreed on by Council’s CEO, General Manager Operations and Acting Manager Infrastructure after receipt of an expert structural engineer’s report which warned of "the possibility of catastrophic failure and the potential for personal injury". The community and Councillors were promptly informed of this decision and the reasons behind it. As the platform posed an immediate and significant threat to public safety, the Operational matter was dealt with urgently.

To delay the removal of a structure assessed by a qualified expert as being at risk of "catastrophic failure and the potential for personal injury" in order to consult at some time in the future would have been negligent. Should an injury or fatality have occurred while Council was in possession of an expert's recommendation to remove the structure, but had chosen to not immediately implement the advice received, Council would arguably be liable.

The CEO's decision to act swiftly to render the area safe, and the fact it is clearly an Operational decision for the Council Administration to make in the best interests of the community, is supported by section 60 of the Local Government Act 2009. There is a legal and formal delegation in place in relation to section 60, giving the CEO the power to direct that certain work be done to the bridge to render it safe from, as stated in the engineer's report, "the possibility of catastrophic failure and the potential for personal injury".

A report on the issue, including the relevant aspects of the engineer's report, will be prepared for the first Ordinary Meeting of the new Council, which like all reports for the open session of Council Meetings will be available to the public. It will be up to the new Council to determine if they wish to include a new platform as a priority for the 2016/17 Capital Works Budget.

Council staff are currently organising an investigation into the structural condition of the concrete piers (substructure) so that the new Council will have the necessary information on the potential use of those piers in any future structure Council may wish to place at the site.

Until the condition of the substructure is known, it is not possible to determine whether the existing piles and headstocks can be used to create a new platform or whether an alternate platform can be created. Therefore a community consultation process cannot be implemented immediately. A community consultation process can however be implemented when all information has been received.

With regard to the comments attributed above to a tour guide, it would not be responsible of Council to leave a structure in a state of severe deterioration, with the potential to fail at any time without notice, so that a tour guide could stand on that structure and view crocodiles. It cannot be suggested that Council should bear the risk of permitting the possibility of a tour guide and his or her guests to fall from a significant height into a crocodile-infested river.