

**ORDINARY MEETING OF COUNCIL
22 JUNE 2009**

ORDER OF THE DAY

ORDER 1	ROAD MANAGEMENT PLAN REVIEW
LOCATION/ADDRESS:	CITY OF PORT PHILLIP
EXECUTIVE DIRECTOR:	DAVID YEOUART, EXECUTIVE DIRECTOR COMMUNITY ASSETS AND SERVICES
PREPARED BY:	DAVID ELSON, PROJECT MANAGER INFRASTRUCTURE PLANNING
FILE NO.:	78/20/08
ATTACHMENTS:	CITY OF PORT PHILLIP - ROAD MANAGEMENT PLAN – NOVEMBER 2004 ROAD MANAGEMENT PLAN – COUNCIL REPORT 22 NOVEMBER 2004 ROAD MANAGEMENT ACT 2004 DELEGATIONS FROM COUNCIL TO COUNCIL STAFF - COUNCIL REPORT 2 MAY 2005

1. EXECUTIVE SUMMARY

- 1.1. Road Management (General) Regulations 2005 require Council to review its Road Management Plan. The Plan outlines how Council will manage and maintain its road assets and the relevant levels of service it will provide to the community. The Plan gives Council a policy defence to public liability claims.
- 1.2. The Regulations detail the procedure to be followed in the review, including the public notice requirements, receiving submissions, preparing a report and amending the Plan
- 1.3. The purpose of this report is to commence the statutory review process of the Road Management Plan.

2. RECOMMENDATION

That Council resolves to:

- 2.1. Commence a review of its Road Management Plan in accordance with the Road Management (General) Regulations 2005.
- 2.2. Advertise the review of its Road Management Plan in the Government Gazette, a daily newspaper generally circulating in the area and a local paper, allowing at least 28 days for people to make submissions.

3. BACKGROUND AND CONTEXT

- 3.1 The intent of the Road Management Act 2004 is to introduce a coordinated management system for public roads that promotes safe and efficient state and local public road networks and the responsible use of road reserves for other legitimate purposes, such as the provision of utility infrastructure. The Act gives road authorities a policy defence against public liability claims resulting from road condition, provided they develop and adopt a Road Management Plan. The Plan must detail how a road authority will manage and maintain its road assets and the relevant levels of service it will provide.
- 3.2 At the meeting on 22 November 2004 Council adopted a Road Management Plan and on 2 May 2005 Council approved the delegation of various powers, duties and functions under the Road Management Act to nominated staff.
- 3.3 In the last quarter of 2008 an internal review of the Road Management Plan was undertaken by Council's Internal Auditor. The objective of the review was to:
- Identify Council's obligations under its Road Management Plan.
 - Consider the adequacy of recording and complying with the Plan's road asset inspections.
 - Consider the adequacy of recording, prioritizing and complying with the Plan's road maintenance standards and defects response.
 - Review the adequacy of the reporting of Road Management Plan compliance to senior management.

The audit report noted that Council's Road Management Plan addressed the primary responsibilities of the Road Management Act and is, for the most part, consistent with the current practices, and that Council has in place effective processes for responding to emergency requests and for making areas safe, without delay, as significant hazards are identified. However it recommended that internal reports should be implemented to monitor compliance with inspection frequencies, that the tree inspection program be brought into alignment with the Plan, that the inspection of laneway traffic control devices be brought into alignment with the Plan and that an in-depth management review of the inspection program be undertaken.

4. CONSULTATION AND STAKEHOLDERS

- 4.1 The Regulations require that the review be formally advertised in the Government Gazette and a daily newspaper generally circulating in the area allowing at least 28 days for people to make submissions. It is intended to also advertise the review in the local paper. A written report must be produced summarising the findings and conclusions of the review. The report will be presented to council to consider the adoption of the revised Road Management Plan.

5. DISCUSSION

5.1 OPTIONS

5.1.1 It is a requirement of the Road Management (General) Regulations 2005 that Council now formally review the current Plan to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of road to which the plan applies are appropriate. The review will permit Council to continue to use the Road Management Plan as a policy defence in public liability claims.

5.1.2 Council has the option not to proceed with the review but it will no longer be able to use the Road Management Plan as a policy defence in public liability claims. The weakening of Council's defence in these matters is considered to be unacceptable and this is not considered a viable option.

5.2 ALIGNMENT TO COUNCIL PLAN

5.2.1 The report aligns with the 4 key directions in the adopted Council Plan, specifically with Direction 1 engaging and governing the City and the commitment to service.

5.3 POLICY IMPLICATIONS PLAN

5.3.1 The Infrastructure Asset Management Policy adopted by Council in February 2004 relates to this report. The policy mission is 'Effective stewardship of community assets is a function of Council under the Local Government (Democratic Reform) Act 2003.

5.4 FINANCE / RESOURCE IMPLICATIONS

5.4.1 The costs associated with the review will be met within the allocated budget.

6. IMPLEMENTATION STRATEGY

6.1 TIMELINE

The proposed review process is as follows:

- Council commence the review on 22 June 2009.
- The review be advertised in the Government Gazette, a daily newspaper generally circulating in the area and a local paper.
- At least 28 days be allowed for people to make submissions.

- Review and consider any public submissions.
- Prepare a report for Council for the adoption of a revised Plan.
- If Council changes the Plan to affect the maintenance schedule
- it will need to seek public comment for another 28 days.
- Following the adoption of the Plan, place an advertisement in the Government Gazette and a daily newspaper generally circulating in the area that the revised Plan has been adopted and that copies are available.