

ANNUAL GENERAL MEETING OF ELECTORS

MINUTES INDEX – 2 February 2017

| Subject | Page No |
|---|---------|
| Attendance, Apologies & Leave of Absence | 2 |
| Attendance of Electors | 2 |
| Confirmation of Minutes | 2 |
| Annual Report & Annual Financial Report..... | 2 |
| General Business Regarding the Financial Statements | 3 |
| General Business | 3 |
| Closure | 12 |
| Attachments | 12 |

unconfirmed minutes

Minutes of the Annual General Meeting of Electors, held in the Council Chambers on Thursday, 2 February 2017 commencing at 5.30pm

The Shire President opened the Meeting and welcomed those in attendance

1. Attendance, Apologies and Leave of Absence

| | |
|---------------|--|
| President | - Cr Nicholas |
| Councillors | - J Boyle |
| | - S Hodson |
| | - D Mackman |
| | - J Moore |
| | - A Pratico |
| | - P Quinby |
| | - P Scallan |
| | - A J Wilson |
| In Attendance | - T Clynch, CEO |
| | - M Larkworthy, Executive Manager Corporate Services |
| | - E Denniss, Executive Manager Community Services |
| | - T Lockley, Executive Assistant |

2. Electors Present

B Moore, B Bebbington, J Lucey

3. Confirmation of Minutes

Attachment 1

A Motion is required to confirm the Minutes of the Annual General Meeting of Electors held 4 February 2016.

Moved Cr Pratico, Seconded Cr Moore

E.01/0217 That the Minutes of the Annual General Meeting of Electors held 4 February 2016 be confirmed as a true and correct record.

Carried

4. Annual Report & Annual Financial Report

A Motion is required to receive the Annual Report & Annual Financial Statements for the 2015/16 year as presented.

Moved Cr Quinby, Seconded Cr Wilson

E.02/0217 That Council receive the Annual Report & Annual Financial Statements for the 2015/16 year as presented.

Carried

5. General Business Regarding the Financial Statements

Nil

6. General Business

Questions on Notice

Mr B Moore – Shire Website

At the December 2015 Council meeting I raised questions concerning the effectiveness of the Shires website. I was under the impression that it was agreed that the website was not well constructed and action would be taken to redesign the site.

1. What action, if any, has been taken to provide a useful website?

CEO Response – an amount of \$10,000 has been allocated in the 2016/17 budget for improvements to the Shire website. To date preliminary discussions have been conducted with our existing web host provider and discussions with a potential alternative host provider are scheduled for later this month. After this a decision can be made and work commenced on rebuilding the website into a more user-friendly format. This will also include a review of all information on the existing website including the removal of dated information.

2. Can an effort be made to separate meeting minutes, agenda etc. and place them in date order?

CEO Response – yes this is intended. You can currently do this on the existing website by clicking on the “published” icon and a note has recently been added to that page of the website explaining that option. However it is agreed this section is difficult to navigate and it is intended to create yearly folders for agendas and minutes in the rebuilt website.

Mr B Moore – Advertising of the AGM

I have been accessing the Shire website via a tablet, however this should not vary the information that can be found on the site. I can find no reference on either the Shire website or its Facebook page re the Annual General Meeting of Electors.

Whilst I appreciate the intent of S5.29 of the Local Government Act re Convening electors' meetings

- "(1) The CEO is to convene an electors' meeting by giving —
- (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held."

In view of previous criticisms re public notice it is reasonable to assume that the meeting would appear on both of the Shire's online facilities.

1. Is the omission of this information on the web simply an oversight or is it intentional as it is not required under S1.7 of the Local Government Act.

CEO Response – it was unintentional. All adverts are normally published on the Shire website but on this occasion due to another staff member acting in the relevant position the website posting didn't occur. To prevent this from occurring in the future a cover sheet is being prepared for all newspaper advertising requiring the relevant officer to check off whether the advert is being posted on the shire website, posted on the Shire Facebook page and/or emailed on the 'Shire Bytes' service.

2. What 'local public notice' method was used?

CEO Response – Notices were placed in the Donnybrook Bridgetown Mail on 24 January 2017 and 31 January 2017. The same notice was published in the Manjimup Bridgetown Times editions of 18 January 2017 and 25 January 2017. Notices were placed on the two Shire noticeboards in Bridgetown, the noticeboard at the Greenbushes Community Resource Centre and at the Shire Library. On 11 January 2017 notice of the AGM was given to subscribers of the Shire Bytes' email service.

This week notice has been given on the Shire website, Shire Facebook page and again on the 'Shire Bytes' email service.

Mr J Lucey – Bridgetown Sports Ground Change Rooms Upgrade

My question is related to the Sports Ground Change Rooms upgrade that the Shire chose to undertake rather than contract a commercial builder is still not finished as yet after 18 months or more. What has the Sports Ground Change Rooms upgrade cost the Shire (both direct costs of salaries and equipment plus any external funds received and used) to date and when will it be fully completed and at what final cost?

CEO Response - The total cost of the three stages (planning/design, demolition, renovation/construction) of the project was \$424,504. Of this \$45,638 was Shire wages, overheads and plant operation costs and the balance was contractors. The project was funded by a grant of \$105,621 and Shire funds of \$318,883.

The \$45,638 in shire wages, overheads and plant operation costs was for the Shire's building maintenance officer to carry out various general labouring works (not specialist contractor work) as well as for the Shire's outside staff to assist with cutting away the asphalt around the building, repairing drainage and removing demolition waste. The Shire's mechanic has also made up the steel bench seating for installation in the change rooms.

Given the limited timeframe between football seasons to undertake the work, the complexity of build and budget constraints it was decided that the Shire would take ownership and control of the build to ensure functional operating change rooms could be delivered on time within the constraints presented. This process allowed the Shire the flexibility to undertake the design and construction process throughout the project to ensure the use of Shire resources, football club resources, local

suppliers, local builders and local tradesman that delivered a high quality, value for money project. Calling tenders would have taken approximately 3 months as a detailed scope of works would have been required, a tender document prepared, tenders called, tenders assessed and a Council decision made. Past experience would also indicate that builders for a job of this scope are rarely able to mobilise straight away as they plan for projects of this scale months in advance so it is unlikely that the work would have started before the commencement of the football season and possibly wouldn't have started until after the season. If the change rooms had been inoperable during the football season it would have triggered a need for the Shire to have installed temporary change rooms which would have been a further cost to the project.

With the project being a combination of a renovation of an existing building shell and a new building there were a number of unforeseen works. These included:

- The steel trusses that supported the roof of the old change rooms required greater restoration and repair than anticipated. Some had significant rust that required cutting out and welding.
- The steel columns in the old rear wall had to be completely replaced due to rust and other deterioration – these were unable to be inspected during the planning/design process.
- The engineering certification obtained after completion of the detailed design plans stipulated a much greater size of footing and building slab thickness than expected – due to soil tests indicating the soil at the site has low bearing capacity. This required approximately double the concrete than estimated which in addition to the greater cost required the use of a pump truck instead of manual laying of the concrete.
- There was a need to provide temporary services (power, water & gas) to the football club rooms during the period of the build.
- Originally the intention was to retain the hot water systems from the old change rooms (taking into account advice from the football club) however assessment of these units by the plumber confirmed they were unsuitable for the volume of water being used in each change room.
- A new water line had to be provided from the Shire Depot to the change rooms in order to provide the minimum water pressure to run the number of water points. Note it has become apparent that due to the condition of the showers and other water points in the old change rooms that the use of water was far less than will occur with the new facilities.
- A new water service to the umpires change rooms was required.
- Excavation around the change rooms uncovered a damaged inlet pipe to the septic system that required replacement. At the same time stormwater drains from the building were improved.
- Previously the power to the change rooms, external lighting and external ablution block was controlled from a switch in the football clubrooms. As the change rooms and other facilities are Shire assets available for use by other sporting groups the decision was made to install wiring to separate these switches from the football clubrooms.

It is likely that if a lead builder had been engaged to do the overall build all these unforeseen works would have triggered variances to the original tender sum.

Local builders and local tradesman prioritised the project over other works they had on at the time to ensure the change rooms would be ready for the start of the new season. They also donated a lot of their time to the project (estimated to have been approximately \$21k in donated labour and \$14k in donated materials). It is extremely unlikely that these donations would have occurred if a lead builder had been engaged to deliver the whole project.

At the end of the day a fantastic effort was given by all involved and even more impressive was construction works only commenced at the beginning of February and the change rooms were able to be used within 12 weeks being the start of the football season noting however that temporary seating was in place, cubical doors weren't installed, gas bottle cages were still to be installed and painting incomplete. Most of this work was completed during the football season excepting some of the painting and the new bench seating which was made by the Shire's mechanic. The seating is to be installed next week. This work will be done by the Shire's building maintenance officer and is expected to cost less than \$500 to complete.

The Shire's Principal Building Surveyor has stated that in his experience the advantages of using local tradesman, builders and suppliers is that you more often than not receive prompt, honest value for money follow up service/repairs should any problems arise. It is the opinion of the Principal Building Surveyor that using the tender process to appoint a lead builder to deliver the project would have resulted in a higher overall cost (due primarily to builder's margins and less donated materials/labour), less local trade input and local expenditure, a longer construction period that would have significantly inconvenienced the football club during the 2016 football season, and less flexibility in the construction process to allow changes and input from the football club.

Towards the end of the build the football club requested changes to the external access on the oval side of the building therefore some temporary arrangements were made and the works as requested by the football club are progressing. This work is seen as being separate to the original project. This would either have not been possible or would have been subject to a significant contract variation if the project had been awarded via the tender process.

Other than the installation of the bench seating and removal of the temporary seating the project is completed. The works currently occurring on the oval side of the building are separate to the original project and are being done to accommodate works proposed by the football club.

The cooperation between the football club (both senior and junior clubs) and the Shire has been excellent – from original design through to construction. The ability to accommodate changes during the construction phase was testament to this spirit of cooperation and the completed project has delivered a modern and spacious change room facility that will serve the needs of the football club and other users of the sportsground for many years to come.

Questions Without Notice

Mr J Lucey – Bridgetown Sportd Ground Change Rooms Upgrade

1. I'm keen to know as part of the Shire's process of using Shire funds to instigate this, what due diligence the Shire undertook to ensure, if you are

putting it out to tender then I would imagine that tender has to be of a calibre that you are confident a builder could quote on so we don't have variances in there, and you talk about an engineer's certificate you obtained on completion of the detailed design plans identifying some issues. Am I correct in assuming that if you go out to tender to builders you would have an engineering plan beforehand? It just seems to me there has been an awful amount of additional costs. I'm assuming that if I ask for I will receive details of what the budget was basically identified for doing this using the Shires facilities.

CEO's response - There was an original budget and Council had to allocate further money to get the project completed, and a lot of that was due to those unforeseen variances that came up. It cost about an extra \$100,000 than what was originally estimated.

2. That due diligence in the budget you drew up would have been exactly the same process that you would have used if you had engaged a lead builder? If you've gone out to tender for a lead builder, you would have done no more or less that you would have done? It just seems strange that there seems to be so many more additional things, and there seems to be a process of saying we can justify it by these overruns, and I would have thought that if you go to a lead builder, no builder will quote on something unless they are confident that you have done all the due diligence to say that that's the scope of the job basically.

CEO's response – Based on our experience, with the library and the pool, I think that wouldn't have been the case, a lot of those unforeseen things would not have been picked up, so for example the new water line, we didn't know that was required until we did pressure testing once they put the facilities in, so a builder would have asked for a variance. The rust on the supporting beams were inside a brick wall, you couldn't inspect them.

3. I just wanted to know, there seems to be from your Senior Building Surveyor, a significant amount of justification of why the out there thing is, and this whole thing that if we engaged a lead builder we wouldn't have got the same level of local support and the timing factors. They're all statements, were they validated? Was any builder asked? I know builders out there doing it tough at that time, and that the assumption that they couldn't get on and do the job straight away. So all I'm asking is a simple question, would you do things differently again if the same circumstances arose?

CEO's response – I would. I think the outcome has been a great outcome, so I don't think we would have got a better product using a builder, no. That's just my view and we use builders for other projects. This was an unusual project in that it was a retro fit of an existing building combined or joining to an existing building, the football club using the facility at the same time. It was an unusual project for us and required some very specific project management. It's not a project we'd like to do again necessarily, I think it is far easier to engage a builder and leave it to them to build it, but I'm just not it would have worked as well in this situation. There are lots of good builders in Bridgetown, but that's not to say a Bridgetown builder would have necessarily won the tender either, and there is no doubt this would have been a highly sought after tender for that amount of money. I think the outcome was good.

4. I also think in a small country town you have the ability to test the market place as to whether they are professional or not rather than have a Surveyor say now these are all the reasons why we didn't do that.

CEO's response – No I think the decision was made very early that it would be project managed by the Shire.

5. So what I'm hearing is that you believe that the project management of this and the outcome to the Shire ratepayers was justified and couldn't have been improved?

CEO's response – Without knowing how it would have run with a builder, yes I think the project delivered a good outcome. What would happen if we had got a builder? It is a little bit hypothetical because we didn't go down that path. I can't say without doubt that it's a better outcome because I don't know what outcome we would have got with a builder.

6. I just want to get it clear, that the process you used was exactly the same for your own team to make the decision to go ahead when working on the budget that it would be if you engaged a contract or a builder? I'm not sure or convinced that by the Shire taking this on there weren't, if you like, less due diligence than there would have been if there had been a builder. I just want to know that the process you used would have been exactly the same process when engaging a builder for you guys, or the Shire building people to say to you, no we should manage this project and do it ourselves. There seems to be an awful lot of blowouts.

President's response - The one thing we did learn, there were some assumptions made taking for example the water system, we trusted the information from outside people when we probably needed to investigate ourselves as well. There was always going to be some variation, we estimated the steel beams would be okay but they were not, so we had to make a variation. It was the same with the pool. It is hypothetical to say that a contractor may have been cheaper or more expensive. By engaging a builder, the project would probably have been completed much later had it been sent to a tender process, perhaps an extra 3 or 4 months.

7. We had change rooms that were a disgrace to the Shire basically, and we allowed them to be a disgrace for 10 years, so for me an extra 3 or 4 months doesn't matter. The reality is they weren't completed ready for the football season, there were home games that had to be deferred to other towns.

CEO's response – That's not correct, we talked to the football club and we requested the football club that it would be in their best interest to try and have 2 or 3 away games at the start of the season. These types of discussions occurred as part of a consultation group with regular meetings with the football club and suggesting away games early in the season was to give us that bit of extra breathing space. Our suggestion to the football club was that when the Association do your fixtures and you put your request in, can you have those first 2 or 3 home games. So it wasn't a change of fixtures, every club goes to the Association with their wish list and in this instance they said can we have

away games at the start and home games towards the end. That was planned for in the process

8. As I said I haven't discussed this with the football club, so it is a personal ratepayer's point of view that it is an excess amount.

Mr B Bebbington – Local Laws

1. During January I contacted the Shire regarding the absence of an advert on the Shire website for the Local Law review, and the response was that it was absent and it would be readvertised for the period of 6 weeks. Is there any opportunity for the Shire to reduce that 6 week period, or is that statutory by the law?

CEO's response - Once the decision was made to readvertise I think you have to stick to the statutory requirements. Legally we didn't have to readvertise as it is not a legal requirement to put it on the website, but I think that it was accepted that an advert notice of that nature should have been on the website, so the decision was made to readvertise it. If you choose to readvertise it you should follow the process. I don't think we contemplated having a reduced period.

2. So why then did the adverts appear in the public notices of the West Australian and the MB Times on the 25 January, and, I do note it is on the Shire website, and have the closing date of the 9 February for that review?

President's response – We will take that question on notice.

Mr B Bebbington – Tweed Road

1. Regarding the Tweed Road speed variation, which came from a meeting in March last year which went through Council for approval, my understanding is, Main Roads when they did their assessment of Tweed Road, not only did they recommend an 80km per hour speed limit for the first 3kms which they have instigated, they also advised the Shire there was a necessity for two speed advisory signs, which is beyond their control and purely a local government situation as to whether they install those. Are those signs expected to be installed or has the Shire elected not to install those two signs?

CEO's response - I am not aware, though if a recommendation did come from Main Roads we would abide by that. We will take that question on notice.

2. Also in that process of the Shire's application to Main Roads to seek a review of a section of Tweed Road. Main Roads were advised by the Shire that they wanted a safety review deferred because they were proposing some road widening on Tweed Road. Are you aware of any plans that existed in April last year or any time since to widen a section of Tweed Road that wasn't in the budget?

CEO's response - No there was certainly nothing proposed in the budget. In our 10 year plan there is a section of Tweed Road, the bit that was not upgraded when they did the long upgrade project. I think that intended to be

done, whether you are referring to that, again I do not know. There was nothing in the budget at that time for Tweed Road.

3. Main Roads have advised that the Shire has since advised that there was no plan to do a road widening, but since it was a road safety matter and it was a direction of Council, that review of the road speeds should occur, can you check as to how it transpired that Main Roads were advised or requested not to do a safety audit of a road because of that intended road widening, because clearly if there was no road widening the request should not have been given to Main Roads.

President's response - Are you saying that the Shire requested Main Roads not to do the review?

4. Main Roads advised me that they were given the request to review as per the motion, but they said could Main Roads hold off on the review because they were about to do a section of road widening and I believe the section was the section which, with the reconstruction to the damaged Tweed Road was the section which had the big furrowed, near the abattoirs on the hill, which was actually filled in as part of that works. That's the only section I think they could have been referring to. It is a concern that there was any information given to Main Roads which did not sit with anything that the Council or CEO would have been aware of.

CEO's response – The request for a speed limit review far preceded the repair to damage works on Tweed Road. The decision from Main Roads on that speed limit change was made well in advance, but I am happy to make the enquiry.

President's Response – You've already said that they advised us in October of the speed limit changes?

5. I can give you the dates for the emails between Main Roads and the Minister for Transport's office about what transpired, I can give you that information and send that through tomorrow about the timing, but the actual decision from Main Roads to go ahead with the 80km zoning occurred during the road closure period and was only advised to me within a week of that, but it actually took 6 or 8 weeks for the signs to be installed by Main Roads, and only because I had to follow it up with the Minister for Transport because Main Roads had that responsibility to put those signs up and they can not do a delay and that's the only reason they got put up when they did. Putting those signs up, those regulatory signs, is not something the Shire has any control over as that is purely Main Roads. There is no question on the speed signs it's just the regulatory signs and the advice of whether there was any delay in that decision because of the request from the Shire and whether there was any room for that. That's what concerns me, that on a road safety issue that there was a delay and there was no appropriate reason for it is really what I'd like to get to the bottom of.

President's response - We will have a look into that – question taken on notice.

Mr B Bebbington – Mobile Phone Coverage

1. In regard to the mobile phone Blackspot Programme within the Shire we have been allocated two, one at Winnejup and one at Maranup. Has the Shire commenced any process of determining the location of the Winnejup one? I believe the Maranup one was pretty well determined previously, has there been any communication between Telstra and the Shire and will there be any resident input into the process?

CEO's response – We have made some enquiries through the South West Development Commission as they essentially put up all the applications for the South West. Our question was at what point in time whether we are going to have input into the specific sighting, and the response was that when they contact you is when you will have input. This was a few months ago, and they said it wasn't going to be in the next few months. We still expect to be part of those discussions. When the Yornup Tower went in we were privy to those discussions, and they still have to provide us with notice of a proposed installation even though sometimes they are exempt. We fully expect to be part of that discussion, whether they're required to consult, to be honest I do not know what their legal requirements are. And whether we have the ability to consult would no doubt depend on what their legal responsibilities are. We have had no specific discussions about where either of those sites will be, we have a reasonable idea of the Maranup Ford one, but the Winnejup one is not really one we have had involvement in. Our number one priority has always been the Maranup one and has been pushed quite strongly by the Bush Fire Advisory Committee, and we saw the Winnejup one as almost a bonus as we were only expecting to get the one this time. I am sure that discussion is going to happen.

2. Also in regard to mobile phone towers I mentioned at the Strategic Planning Meetings that I'd raised an issue with Telstra regarding the range of the Yornup tower being a north/south orientation rather than 360 degree, which they confirm that was what it was built for, do we know the location of all the mobile phone towers that exist in the Shire and whether they are omnidirectional (360 degree), or whether they're direct beam in order to establish whether the future applications for the Blackspot Programme can involve either new installations or enhancement, for example, in the case of Yornup to make it 360 degree. Do we know that information? Or can we undertake that process?

CEO's response - We don't have that information ourselves, we have relied on the South West Development Commission to work with predominantly Telstra, on obtaining that information, and that's how they put forward their list of Blackspots. We have had discussion in the past with Telstra about the Yornup tower and they maintained it was a 360 degree coverage for a long time, and produced all sorts of documents and plans that in their view proved it, but our evidence was that the residents of Yornup, in particular, were saying they couldn't get coverage 500m away from the tower. There is the ability to have those discussions with Telstra, they have people who will engage on those, but we are not privy to that information at the moment, about what towers have what coverage.

3. Would the Shire be prepared to undertake to request that information from Telstra, Optus and, I believe, Vodaphone if they have facilities here, in regard to what their tower locations are, what their antenna systems are, and what their coverage is from those to be able to assist with future applications?

CEO's response - We can ask, but I'm not sure if any of that is commercial in nature that they wouldn't provide. You can ask for anything and see what you get. You could make a motion and the benefit of a motion is that you could make a basic enquiry between this meeting and the Council meeting to see what type of information we are allowed to have. Telstra is a commercial operator, and whether they are going to provide all of that I am not sure. If it was a motion, some of those enquiries could be made up front which would guide Council when considering the recommendation from this meeting.

Motion

Moved B Bebbington, Seconded Cr Pratico

E.03/0217 That Council seeks to obtain information from mobile phone providers and the Blackspot Programme with a view to determine the location mobile phone towers used for voice telephony within the Shire and whether the antennas are 360 degree or beam directional, with a report back to Council.

Carried

Mr B Bebbington – Road Signage

In relation to a matter that I raised at the April Council Meeting regarding the signs that were installed for Carburnup Brook Road, they have an incorrect spelling of 'Carbanup', of which Mr Donaldson referred to Works & Services to correct the sign in May and the sign hasn't been amended. Is there any reason why an incorrect street sign has not been updated?

CEO's response – The internal process may not have been followed; I will follow up on that.

Mr B Bebbington – Coffee Machine in Library

Finally, in relation to the coffee machine that I have referred to during the year which is costing the Shire \$240 a month, which I believe is located in the Library, do we know the full cost of that machine, including the consumables, and what revenue it is generating?

CEO's response – I will take that question on notice.

7. Closure

Shire President closed the Meeting 6.15pm

8. List of Attachments

| Attachment | Item No. | Details |
|-------------------|-----------------|---|
| 1 | 3 | Minutes of the AGM of Electors held 4 February 2016 |

| | | |
|--|---|---------|
| Minutes checked and authorised by CEO, T Clynch |  | 11.2.17 |
|--|---|---------|

CERTIFICATION OF MINUTES

As Presiding Member, I certify that the Minutes of the Annual Meeting of Electors held 2 February 2017 were confirmed as a true and correct record of the proceedings of that meeting at the Annual Meeting of Electors held on 20.....

.....(Date).....

unconfirmed minutes