



Shire of  
**Chapman Valley**  
*Love the Rural Life*

# **UNCONFIRMED MINUTES**

**ANNUAL GENERAL MEETING OF  
ELECTORS  
TUESDAY 3<sup>RD</sup> FEBRUARY 2015  
COUNCIL CHAMBERS NABAWA  
6.00PM**

DISCLAIMER



Shire of  
**Chapman Valley**  
*Love the Rural Life*

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The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

**WRITTEN CONFIRMATION**

Of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read 'M. Battilana', is written over a large, faint, circular watermark or ghost signature.

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**



**UNCONFIRMED MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN  
THE COUNCIL CHAMBERS NABAWA ON TUESDAY 3 FEBRUARY 2015 AT 6.00PM**

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**Order of Business:**

**1.0 Declaration of Opening / Announcements of Visitors**

The Chairman, Cr Collingwood declared the meeting open at 6.02pm.

**2.0 Record of Attendance**

**2.1 Present**

a. Councillors

<b>Member</b>	<b>Ward</b>
Cr John Collingwood (President)	North East Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Pauline Forrester	North East Ward (from 6.05pm)
Cr Trevor Royce	North East Ward
Cr Kirrilee Warr	North East Ward
Cr Peter Humphrey	South West Ward (from 6.05pm)
Cr Veronica Wood	South West Ward
Cr Ian Maluish	South West Ward

b. Staff

<b>Officer</b>	<b>Position</b>
Maurice Battilana	Chief Executive Officer
Simon Lancaster	Manager of Planning
Karen McKay	Executive Assistant (Minute Taker)
Dianne Raymond	Manager of Finance & Corporate Services (from 6.05pm)
Kristy Williams	Accountant

c. Visitors

<b>Name</b>	<b>Name</b>
Sue Collingwood	Linda Dymond
Peter Batten	Linda Leeming
Carl Smith	Tony Webb
Debbie Smith	Charmaine Webb

Val Royce	Linda Saunders
Lisa Cole	Pedro Fonseca
Darren Cole	Judi Bradley
Garry Wood	

## 2.2 Apologies

Name	
Tom and Tana Davies	

## 3.0 Confirmation of Minutes of previous Annual Electors Meeting held on Wednesday 4 February 2014.

<b>MOVED: CR FARRELL</b>	<b>SECONDED: CR ROYCE</b>
<b>That the Minutes of the Annual General Meeting of Electors held on Tuesday 4 February 2014 be confirmed as a true and accurate record.</b>	
<b>CARRIED</b> <b>Minute Reference AEM 02/15 - 1</b>	

## 4.0 Receiving of Annual Report 2013/2014

<b>MOVED: CR FARRELL</b>	<b>SECONDED: CR WOOD</b>
<b>That the 2013/2014 Annual Report including Annual Financial Statements, Audit Report, Presidents Report and Chief Executive Officer Report be received.</b>	
<b>CARRIED</b> <b>Minute Reference AEM 02/15 - 2</b>	

## 5.0 GENERAL BUSINESS

### Questions & Answers

1. Mr Carl Smith – (Parkfalls Maintenance): Now Parkfalls Mowing is no longer contracted to conduct mowing, weeding, spraying, tree lopping/pruning and picking up the rubbish etc. what is the Shire's maintenance plan and schedule to carry on this work. Surely the mobilisation of equipment and personal to the Park falls Estate is a substantial cost on its own. What we had in place, one man with his tractor & ute maintained councils requirements (above and beyond what they are currently maintained at) and serviced private mowing requirements. Why not increase the contract dollars to keep this service?

Cr Collingwood responded as follows:

- Council called tenders for the supply of the mowing, slashing, watering and maintenance services for all the Western Region in 13/14 (not just Parkfalls);
- Though there were several enquiries only one tender was received from Parkfalls Mowing who was providing the current service;

- Council awarded the contract to Parkfalls Mowing. However the owner of the business would not sign the contract to undertake the service, which was based upon the Tender Specifications and the tender prices he submitted;
- As a result Council resolved to bring the services back in-house and budget accordingly, rather than go through the tender process again;
- The transition from the exiting contractor to in-house servicing of the areas was catered for in the 14/15 Budget and was to take effect after the 31/12/14. The basis of the Council decision to bring the work back in-house was to have external contractors continuing to undertake works to compliment the Shire resources on an as needs basis to ensure resources are maximised;
- Mobilisation is not a large cost and can be catered for within the budget and resources.

2. Carl Smith - Why did Council ignore the petition from 118 residents of the Parkfalls community expressing their confidence in the then SOCV Bill Hemsley Park Management Committee to vote Cr Wood off the committee when the motion put to the December meeting was factually incorrect?

Cr Collingwood responded as follows:

- Council did not ignore the petition as suggested. The Petition was taken into consideration by Councillors at the time the discussion took place and decision made;
- Elected Members have the right to present items to Council for consideration and determination, which is what, occurred at the December Council Meeting.
- The Bill Hemsley Park Project is still progressing and will go back to residents for their input.

Carl Smith said that what you hear and see sometimes feel like we are going backwards.

- Simon Lancaster (Manager Planning) advised Consultants are currently working on the Concept Plan and this will hopefully be presented to the March 2015 Council meeting and then should be out to residents for consultation in April 2015.
- Cr Collingwood advised that Council want to embrace what is good for the area.

3. Carl Smith - When is Council going to do items on the Parkfalls Streetscape Plan as adopted by Council in November 2010? What is going to be the budget allocation on a yearly basis for this work? As our rate have increased on a yearly basis and we are not seeing a value for our rate payer dollar.

Cr Collingwood asked Mr Smith what exactly he believed wasn't done or needed to be done bearing in mind:

- The fact is Council has undertaken a majority of the works identified in the Parkfalls Estate Improvement Plan. To dispel the comments that ***"Nothing had been done since the Plan was adopted in November 2010"*** an analysis of works listed in the Plan and a status of the works was presented to Councillors. This set a very clear picture that a majority of the Plan had been implemented;

Carl Smith responded by expressing concerns the overall look of the Estate appears to be worsening with weeds on the verges getting out of control, plants and shrubs appear not to receiving the same attention they had in past

Carl Smith stated that he would like to see neat and tidy verges throughout the estate.

- Maurice Battilana (CEO) advised Council is currently investigating insurance liability issues in relation to residents maintaining verges and islands. He stated the Shire would love more resources to be able to do everything desired by all its residents and would encourage self help in the area where this was practical.

4. Linda Dymond - Asked who maintains the verges within the Shire of Chapman Valley as many Local Governments have different arrangements.
  - Maurice Battilana advised that Council have no specific policy in regards to maintenance of verges but they do have a policy on planting vegetation on verges and a local law regarding activities on thoroughfares. Verges are maintained on an as-needs and resource availability basis.
5. Linda Dymond - Stated that Walkaway Burr, Crown Beard and Patterson's curse are out of control.
  - Maurice Battilana advised the Shire does not have a legal obligation to spray undeclared weeds on their reserves and these plants are not declared noxious weeds. Weeds across the whole Shire are sprayed on an as-needs and resource availability basis.
6. Darren Cole - Asked if the Shire has a Fire Management Plan in place for the Parkfalls area.
  - Maurice Battilana responded stating there is no Fire Management Plan for road reserves in Parkfalls or any other part of the Shire. There is a Fire Notices for the whole Shire, which is relevant to landowners and enforced by way of infringements and possible prosecution for non-compliance.
  - Cr Royce advised under current Fire Notice that Parkfalls Estate private land is to be slashed rather than mineral earth (bare earth) firebreaks. Approval for mineral earth firebreaks can be given with Council approval. Dead material to also be removed within private blocks in the Parkfalls Estate.
  - Simon Lancaster stated that Parkfalls is also a fire hydrant estate.
7. Linda Dymond - Asked if the Shire has a policy in regards to what/where trees can be planted within a private land (i.e. can landowners plant hard up against their boundary fence on their land).
  - Maurice Battilana responded stating there is no Shire policy stipulating what can or cannot be planted within private land and nothing in regards to planting on fenceline. However, Council does have a Policy which stipulates planting on Shire road reserves.
8. Brooke Bennett - Questions were received via email from Ms Brooke Bennett today.

The President ruled that as Ms Bennett was not at the meeting to present her questions and the fact they were only received today they would be taken on notice and the CEO would respond to Ms Bennett direct.

Following are the questions submitted by Ms Bennett:

*Upon reviewing the plan I am concerned that the Plan actually appears to be planning for the Shire to be economically unviable inside the 10 year period, in particular by the 7 year point. By the comments made in the plan it appears that even with new borrowings, asset sales, year on year rate increases of 5% and the assumption that grant funding will remain at approximately the same levels, the Shire is according to its plan do "not have enough funding to maintain all of our assets to the standard our community expects." Furthermore it states that "we may be forced to consider cuts to the level of service provided if we cannot access grant funds to enable us to maintain and renew our essential infrastructure assets such as roads in the future."*

*A look at the projected ratios shows the Council by your own definitions in your report having the following ratios at unsustainable levels for the bulk of the years covered by the Plan:*

- Operating Surplus Ratio (negative for all years 2012/13 on)*
- Current Ratio (less than 1 for years 2013 on)*
- Asset Renewal Funding Ratio (Less than 95% for all years)*
- Debt Service Cover Ratio (According to DLGC target should be >15)*

*Given that it is unlikely that grant funding will increase dramatically given the government's preference for amalgamating small unsustainable councils into larger ones, what services to ratepayers does the Council anticipate cutting to balance their budget?*

*Is it not then wise to assume that the real rate increases over the next 10 years will need to be much greater than the projected 5% in the plan?*

*Why are these anticipated service cuts or required real rate increases not built in to your long term plan to produce a realistic & sustainable long term plan?*

*Does this anticipated position mean that amalgamation with Geraldton or Northampton is inevitable?*

*The LTFP relies on grant funding to remain at current levels plus inflation for the next 10 years, in fact, your optimistic scenario operating & capital grant levels are slightly lower than the base case levels leading me to suspect the base funding levels relied on in this plan are on the overly optimistic side. Why would the base case grant funding levels be greater than the optimistic case?*

*I know we have had in recent years a few major road projects which have increased the capital grant income. My understanding is that as the quality of your road assets improve, the ability to attract this funding may then reduce. Given that some of these projects are coming to an end, is it realistic to assume we will be able to continue to attract Roads to Recovery grant funding at this same level into the future?*

*In the Management Letter from your auditor of the financial statements for the year ending 30/6/2014, the Auditor mentions specifically the Debt Service Cover Ratio being a concern. It then goes on to point out that the "Asset Management Plan requires more renewal expenditure than is provided for in its Long Term Financial Plan." Shouldn't the anticipated spending in these reports match up? Are you now going to adjust your asset renewal plan for the fact that you are not anticipating having enough funds to implement the existing Asset Management Financial Plan?*

9. Tony Webb - Questioned if the Shire has any outstanding rates as he could not find this information in the Annual Report.
  - Di Raymond (Manager Finance & Corporate Services) answered that the Shire has an annual average of approximately 97% for the collection rate.
  - Kristy Williams (Accountant) advised that the information could be found on Page 62 under Note 4 of the 2013/2014 Financial Statements.
10. Linda Saunders - Asked if Councillors under Local Government Law are to support the majority view of the constituents and/or Council and is there a course of action for Councillors not supporting these and for not complying with conflict of interest.

- Cr Collingwood replied that it is the individual Councillors decision on how to vote and residents can ring their Elected Members regarding their decision if they wish. However, Councillors are not obliged to endorse the constituent's position on an issue.
- Maurice Battilana advised that Elected Members all swear an Oath at the time they are sworn in as Elected Members of a local government, which refers to the Code of Conduct Regulations and Local Government Act. The Code of Conduct Regulations and Council Code of Conduct Policy (which is linked to the Regulation) does list ethical behaviour as a requirement of an Elected Member, which does request they support decisions of Council irrespective of how they individually voted on an issue.
- Maurice Battilana also confirmed Elected Members are legally obliged to comply with declaration of interest they may have. Such interest could be financial, proximity, impartiality, etc. There are penalties associated with non-declaration of interest.

11. Peter Batten - Asked is the Bill Hemsley Park Management Committee different to the Parkfalls Residents Association?

- Cr Collingwood responded by clarifying the Bill Hemsley Park Management Committee is a separate body to the Parkfalls Residents Association. However, the Parkfalls Residents Association does have two representatives on the Bill Hemsley Park Management Committee.

12. Cr Anthony Farrell – Responded to an earlier question in regards the petition presented to Council on the Bill Hemsley Park Management Committee expressing his concerns on the validity of the petition as there were names and signatures on the petition that were written in under the same hand writing.

Linda Dymond responded to this comment by confirming it was her who did this because of her husband and children's authorisation to her place there names on the petition on their behalf.

## **6.0 CLOSURE**

The Presiding Member thanked members, ratepayers, visitors and staff for attending and declared the electors meeting closed at 6.45pm.