

# TOWN OF BASSENDEAN

## MINUTES

### SPECIAL COUNCIL MEETING

HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN

ON TUESDAY 5 JULY 2022 AT 6.00PM

---

#### **1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer**

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

#### **2 Announcements by The Presiding Person Without Discussion**

*Mayor highlighted that the new State Government Plastic Free laws have come into effect and encouraged the community to embrace Plastic Free July, noting that it was pleasing to see the local businesses already doing so.*

#### **3 Attendances, Apologies and Applications for Leave of Absence**

##### **Present**

##### Councillors

Cr Kathryn Hamilton, Mayor  
Cr Renee McLennan, Deputy Mayor  
Cr Hilary MacWilliam  
Cr Emily Wilding  
Cr Jennie Carter  
Cr Paul Poliwka  
Cr Tallan Ames

##### Officers

Ms Peta Mabbs, Chief Executive Officer  
Mr Luke Gibson, Director Community Planning  
Mr Paul White, Director Corporate Services  
Mr Phil Adams, Exec Manager Infrastructure  
Ms Nicole Davey, Exec Manager Sustainability & Environment  
Mr Raj Malde, Manager Corporate Services  
Mrs Natasha Dowson, Executive & Research Officer to the CEO

## Apologies

Mrs Libby Kania, Manager Governance & Strategy  
Ms Amy Holmes, Minute Secretary

## Public

1 member of the public was in attendance.

## 4 Declarations of Interest

*Cr Poliwka declared an interest in item 8.1 - Differential Rates as he owns vacant residential property in the area, but due to subsection 5.63 of the Local Government Act, he was still able to participate.*

## 5 Presentations or Deputations

Nil

## 6 Statements by Members of the Public on Agenda Items

Nil

## 7 Questions from Members of the Public

Several questions were received from one community member. These were responded to by email outside the meeting. The community member did not attend the meeting in person.

## 8 Reports

<b>8.1 Implementation of Differential Rates – Consideration of Submissions</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	RAT&VAL/FEECHAG/3
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Statement of Objects and Reasons for 2022-23 Differential Rates [8.1.1 - 4 pages]</li> <li>Draft Differential Rates Refund Policy [8.1.2 - 2 pages]</li> </ol>

**Purpose**

The purpose of this report was for Council to consider submissions received in response to the advertising of proposed differential rates for 2022/23.

**Council Resolution/Officer Recommendation – Item 8.1**  
**SCM-1/7/22**

MOVED Cr MacWilliam, Seconded Cr McLennan, that Council:

1. Receives the written submissions received in response to the advertised proposed differential rates for 2022/23;
2. Adopts the differential rates for the purpose of the 2022/23 Proposed Annual Budget set out in the following table:

<b>Rating Category</b>	<b>Rate in Dollar in Cents</b>	<b>Minimum Payment (\$)</b>
Improved – Residential	8.7771	1,106
Improved – Commercial and Industrial (GRV)	9.0404	1,106
Vacant Land – Residential, Commercial and Industrial (GRV)	13.1656	1,106

3. Adopts the Objects and Reasons for the differential rates for 2022/23, attached to this report (**Attachment 1**); and
4. Adopts the draft amended Differential Rates Refund Policy (**Attachment 2**).

CARRIED BY AN ABSOLUTE MAJORITY 6/1

*Crs Hamilton, McLennan, McWilliam, Carter, Ames and Wilding voted in favor of the motion. Cr Poliwka voted against the motion.*

<b>8.2 Adoption of the 2022/23 Annual Budget</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/BUGTG/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Operational Projects Detail 2022-23 - CONFIDENTIAL [8.2.1 - 8 pages]</li> <li>2. CONFIDENTIAL - Capital Projects Detail 2022-23 - CONFIDENTIAL [8.2.2 - 11 pages]</li> <li>3. Fees and Charges 2022-23 [8.2.3 - 22 pages]</li> <li>4. Operational Projects Listing - Budget 2022-23 [8.2.4 - 2 pages]</li> <li>5. Capital Projects Listing - Budget 2022-23 [8.2.5 - 4 pages]</li> </ol>

### **Purpose**

The purpose of this report was to present the proposed 2022/23 Annual Budget for the Town of Bassendean to Council for adoption.

### 2022/23 Annual Budget

*It was noted that there was an administration error in point f) of the Officer Recommendation and should read "Transfers to Reserve Accounts totaling \$780,763 and from Reserve Accounts totaling **\$2,160,511.**"*

### **Officer Recommendation – Item 8.2(1)**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council adopts, pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and part 3 of the *Local Government (Financial Management) Regulations 1996* and the *Local Government (COVID-19 Response) Order 2020*, the Budget for the Town of Bassendean for the 2022/23 financial year, as contained in Attachments 1 to 3, which includes the following:

- a) Statement of Comprehensive Income by Nature or Type showing a net deficit for the year of \$2,471,937;
- b) Statement of Comprehensive Income by Program showing a net deficit for the year of \$2,471,937;
- c) Statement of Cash Flows showing cash at the end of the year of \$9,299,193;
- d) Rate Setting Statement showing the amount required to be raised from rates of \$14,511,165;

- e) Notes to and Forming Part of the Budget;
- f) Transfers to Reserve Accounts totaling \$780,763 and from Reserve Accounts totaling **\$2,160,511**; and
- g) Operational Projects - \$768,220, as detailed in **Attachment 2 (Confidential)**; and
- h) Capital Expenditure and New Initiatives - \$4,708,651, inclusive of Carried Forward Projects of \$1,356,227, as detailed in the **Attachment 3 (Confidential)**.

*A number of amendments were made as follows:*

**Council Resolution/Amendment – Item 8.2(a)**  
**SCM – 2/7/21**

MOVED Cr Hamilton, Seconded Cr Carter, that funding for Success Hill Spillway Project in Capital Projects be amended from \$350,000 to \$150,000.

CARRIED UNANIMOUSLY 7/0

**Reason:** To enable completion in the 2022/23 financial year of a feasibility study for the entire catchment and Success Hill Reserve to develop drainage solutions aimed at improving water quality and environmental outcomes, together with detailed planning, project timelines and financial requirements for consideration in the 2023/24 budget.

Motion

MOVED Cr Hamilton, that the allocation for Public Health Plan in Operational projects be reduced from \$30,000 down to \$20,000.

*Cr Hamilton withdrew her motion.*

Motion

MOVED Cr Hamilton, Seconded Cr Carter that provision of Public Art Projects listed in Capital Projects be tied to expenditure in the Mary Crescent locality and Sandy Beach locality.

*Cr Hamilton withdrew her motion.*

*Cr Hamilton advised that she proposes to move an amendment to reduce the proposed Draft Workforce Plan budget allocation of \$400,000*

**Council Resolution – Item 8.2(b)**  
**SCM-3/7/22**

MOVED Cr Ames, Seconded Cr McWilliam that the meeting go behind closed doors, the time being 6.44pm.

CARRIED UNANIMOUSLY 7/0

*Cr Poliwka foreshadowed the following motion, should Cr Hamilton's not be supported:*

That Council:

1. Does not support the proposed budget allocations outlined in the Draft Workforce Plan as presented to Councillors at a Concept Workshop on 12 April 2022; and
2. Reduces the proposed Draft Workforce Plan additional investment outlined on page 3 of that document to a total budget allocation of \$600,000.

**Amendment – Item 8.2**

MOVED Cr Hamilton, Seconded Cr Carter, that Council:

1. Does not support the proposed budget allocations outlined in the Draft Workforce Plan as presented to Councillors at a Concept Workshop on 12 April 2022; and
2. Reduces the proposed Draft Workforce Plan additional investment outlined on page 3 of that document to a total budget allocation of \$400,000.

LOST 3/4

*Crs Hamilton, Carter and Poliwka voted in favor of the motion. Crs McLennan, McWilliam, Ames and Wilding voted against the motion.*

*Cr Poliwka's amendment was then put to the vote.*

**Amendment – Item 8.2**

MOVED, Cr Poliwka, Seconded Carter, that Council:

1. Does not support the proposed budget allocations outlined in the Draft Workforce Plan as presented to Councillors at a Concept Workshop on 12 April 2022; and
2. Reduces the proposed Draft Workforce Plan additional investment outlined on page 3 of that document to a total budget allocation of \$600,000.

LOST 3/4

*Crs Poliwka, Carter and Hamilton voted in favor of the motion.  
Crs McLennan, McWilliam, Ames and Wilding voted against the motion.*

**Council Resolution – Item 8.2(c)**  
**SCM-4/7/22**

MOVED Cr Wilding, Seconded Cr Ames, that the meeting come from behind closed doors, the time being 7,42pm.

CARRIED UNANIMOUSLY 7/0

**Council Resolution – Item 8.2(d)**  
**SCM-5/7/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council adopts, pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and part 3 of the *Local Government (Financial Management) Regulations 1996* and the *Local Government (COVID-19 Response) Order 2020*, the Budget for the Town of Bassendean for the 2022/23 financial year, as contained in Attachments 1 to 3, which includes the following:

- a) Statement of Comprehensive Income by Nature or Type showing a net deficit for the year of \$2,471,937;
- b) Statement of Comprehensive Income by Program showing a net deficit for the year of \$2,471,937;
- c) Statement of Cash Flows showing cash at the end of the year of \$9,299,193;
- d) Rate Setting Statement showing the amount required to be raised from rates of \$14,511,165;
- e) Notes to and Forming Part of the Budget;
- f) Transfers to Reserve Accounts totaling \$780,763 and from Reserve Accounts totaling **\$2,160,511**;
- g) Operational Projects - \$768,220, as detailed in **Attachment 2 (Confidential)**;
- h) Capital Expenditure and New Initiatives - \$4,708,651, inclusive of Carried Forward Projects of \$1,356,227, as detailed in the **Attachment 3 (Confidential)**; and
- i) **That funding for Success Hill Spillway Project in Capital Projects be amended from \$350,000 to \$150,000.**

CARRIED UNANIMOUSLY 7/0

*Cr Wilding left the Chamber at 7.45pm.*

2. Waiver of Rates

**Council Resolution/Officer Recommendation – Item 8.2(e)**  
**SCM-6/7/22**

MOVED Cr McLennan, Seconded Cr McWilliam, that Council:

1. Approves to waive the 2022/23 Council rates of \$7,342 (excluding the Emergency Services Levy) for Westcare Inc in accordance with section 6.47 of the *Local Government Act 1995*; and

Rates, Instalment Payment Arrangements, Administration Fees and Interest

2. That Council:

- a. For the purpose of yielding the deficiency disclosed by the 2022/23 Annual Budget, pursuant to sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* and the *Local Government (COVID-19 Response) Order 2020*, imposes the differential rates and minimum payment for 2022/23 that were advertised by public notice on 2 June 2022, as follows:

Rating Category	Rate in Dollar in Cents	Minimum Payment (\$)
Improved – Residential	8.7771	1,106
Improved – Commercial and Industrial (GRV)	9.0404	1,106
Vacant Land – Residential, Commercial and Industrial (GRV)	13.1656	1,106

- b. Adopts the Objects and Reasons for the above Differential Rates for 2022/23, being **Attachment 1** to the report for Item No. 8.1.
- c. Imposes the following service charge for properties in the NRUPP Underground Power Program:
- i. NRUPP - Consumer Mains Connection, \$2,910; and
  - ii. NRUPP – Cut and Cap Connection, \$1,455;
- d. Determines that the amount of the service charge applicable for multi-unit developments within the NRUPP Underground Power Program for a ‘parent’ connection be shared equally among the property owners in the development according to the number of units owned;
- e. Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, nominates the following due dates for the payment of rates in full, and service charges by instalments:

Instalment	Due Date
Full payment and 1st instalment	26 August 2022
2nd quarterly instalment	28 October 2022
2nd half instalment and 3rd quarterly instalment	11 January 2023
4th and final quarterly instalment	15 March 2023

- f. Imposes, in accordance with section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, an instalment administration charge where the owner has elected to pay rates (or service charges) through an instalment option, of \$12 for each instalment after the initial instalment is paid;



- g. Imposes, in accordance with section 6.45(3) of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, an additional interest rate of 5.5% applicable to rate and service charge instalment arrangements, subject to this additional interest rate cannot be applied to an excluded person, as defined in the *Local Government (COVID-19 Response) Order 2020*, that has been determined as experiencing genuine financial hardship as a consequence of the COVID-19 pandemic in accordance with Council's Financial Hardship Policy;
- h. Imposes, in accordance with section 6.51(1) of the *Local Government Act 1995* and clause 8 of the *Local Government (COVID-19 Response) Order 2020*, an interest rate of 7% applicable to overdue and unpaid rate and service charges subject to this interest rate cannot be applied to an excluded person as defined in the *Local Government (COVID-19 Response) Order 2020*, that has been determined as experiencing genuine financial hardship as a consequence of the COVID-19 pandemic in accordance with Council's Financial Hardship Policy.

CARRIED BY AN ABSOLUTE MAJORITY 5/1

*Crs Hamilton, McLennan, McWilliam, Ames and Carter voted in favor of the motion.  
Cr Poliwka voted against the motion.*

*Ms Mabbs left the Chamber at 7.43pm and returned 7.45pm.*

*Cr Wilding returned to the Chamber at 7.47pm.*

### **Officer Recommendation – Item 8.2**

#### **4. Fees and Charges**

That Council, pursuant to section 6.16 of the *Local Government Act 1995*, section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and regulation 53(2) of the *Building Regulations 2012*, adopts the Fees and Charges included in the 2022/23 Annual Budget (**Attachment 4**).

### **Council Resolution– Item 8.2(f)**

#### **SCM-7/7/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that :

1. The fees for supply of additional 140L and 240L General Waste bins be increased by \$5 to \$170 and \$290 respectively; and
2. That Council, pursuant to section 6.16 of the *Local Government Act 1995*, section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, and regulation 53(2) of the *Building Regulations 2012*, adopts the Fees and Charges, as amended above, included in the 2022/23 Annual Budget (**Attachment 4**).

CARRIED BY AN ABSOLUTE MAJORITY 7/0

**Reason:** *The generation of waste going to landfill is problematic both from an environmental point of view, and from a management perspective for local Governments. More revenue needs to be directed towards education on waste minimisation rather than facilitating economical access to expanded general waste capacity for households.*

5. Elected Members' fees and allowances

**Council Resolution/Officer Recommendation – Item 8.2(g)**  
**SCM-8/7/22**

MOVED Cr Hamilton , Seconded Cr Poliwka that Council:

- a) Pursuant to section 5.98 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, adopts the following annual fees for payment of Elected Members in lieu of individual meeting attendance fees:
  - i) Mayor: \$25,976
  - ii) Councillors: \$16,776
- b) Pursuant to section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, adopts the Information and Communication Technology allowance of \$3,500 for Elected Members;
- c) Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, adopts the annual local government allowance of \$37,881 to be paid to the Mayor in addition to the annual meeting allowance; and
- d) Pursuant to section 5.98A of the *Local Government Act 1995* and regulation 33A of the *Local Government (Administration) Regulations 1996*, adopts the annual local government allowance of \$9,470 to be paid to the Deputy Mayor in addition to the annual meeting allowance.

**CARRIED BY AN ABSOLUTE MAJORITY 6/1**

*Crs Hamilton, McLennan, Poliwka, McWilliam, Ames and Wilding voted for the motion. Cr Carter voted against the motion.*

6. Reserves – Change in Purpose, Change in use of funds

**Officer Recommendation – Item 8.2**

That Council, pursuant to section 6.11 of the *Local Government Act 1995*, Council approves:

- a. Creation of an Underground Power Reserve – Eden Hill: “To enable an equalisation reserve to cover any income and expenditure timing related transactions for the Eden Hill Underground Project”;
- b. A change in name of the Plant and Equipment Reserve to the Fleet and Plant Reserve; and
- c. A change in the purpose of the Fleet and Plant Reserve to: “To accrue funds for the purpose of *replacement of fleet, plant and equipment*”.

**Council Resolution- – Item 8.2(h)**

**SCM-9/7/22**

MOVED Cr Wilding, Seconded Cr Poliwka, that Council, pursuant to section 6.11 of the *Local Government Act 1995*, Council approves:

- a) Creation of an Underground Power Reserve – Eden Hill: “To enable an equalisation reserve to cover any income and expenditure timing related transactions for the Eden Hill Underground Project”;
- b) A change in name of the Plant and Equipment Reserve to the Fleet and Plant Reserve;
- c) A change in the purpose of the Fleet and Plant Reserve to: “To accrue funds for the purpose of *replacement of fleet, plant and equipment*”;
- d) That the Bus Shelter Reserve be closed;
- e) Repurpose the remaining funds from the closed reserve of \$21,867 to a newly established reserve titled ‘Events & Culture Reserve’;
- f) In addition to the repurposed funds, allocate \$10,000 (amended from \$25,000) from Municipal Funding to the Events & Culture Reserve; and
- g) Establish the purpose of the new Events & Culture Reserve for significant or major events/cultural activities.

**CARRIED UNANIMOUSLY 7/0**

*Reason: Since 2020, the uncertainty of COVID has created an environment in which it is difficult to foresee the viability of large events at the time where money is typically allocated. By keeping an amount available in reserve, Council will have the ability to approve and fund events where they appear to be viable.*

7. Loan – Underground Power

**Council Resolution/Officer Recommendation – Item 8.2(i)**  
**SCM-10/7/22**

MOVED Cr McLennan, Seconded Cr Ames, that Council, pursuant to section 6.20 of the *Local Government Act 1995*, approves the CEO making application to the Western Australian Treasury Corporation for a loan of up to \$2,454,568 and to draw down on that loan as and when required to enable the Town to meet its cash call obligations under the co-funding agreement with Western Power, as amended.

CARRIED UNANIMOUSLY 7/0

8. Materiality

**Officer Recommendation – Item 8.2**

That Council adopts a material variance of \$5,000 or 10% of the appropriate base, whichever is the higher, for the 2022/23 Financial Activity Statement, for the purpose of reporting under regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality.

*Cr Hamilton moved an amendment to increase the material variance from \$5,000 to \$15,000.*

**Council Resolution– Item 8.2(j)**  
**SCM-11/7/22**

MOVED Cr Hamilton, Seconded Cr McLennan, that Council adopts a material variance **of \$15,000** or 10% of the appropriate base, whichever is the higher, for the 2022/23 Financial Activity Statement, for the purpose of reporting under regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* and AASB 1031 Materiality.

CARRIED UNANIMOUSLY 7/0

*Reason: In keeping pace with inflation and increasing costs it is reasonable to review the variation reporting and adjust accordingly.*

## **9 Closure**

There being no further business, the meeting closed at 8.03pm.