



CITY OF VINCENT

AGENDA

Special Council Meeting

30 March 2020

Time: 6.00pm
Location: Administration and Civic Centre
244 Vincent Street, Leederville

David MacLennan
Chief Executive Officer

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1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 DECLARATION OF INTEREST

5 STRATEGY & DEVELOPMENT

5.1 WASTE SERVICES AND POTENTIAL IMPACT OF COVID-19 ON THE DELIVERY OF SERVICES - FOGO AND BULK HARD WASTE DEFERRAL

Attachments: Nil

RECOMMENDATION:

That Council

1. **NOTES** the potential impact of COVID-19 on the delivery of Waste Services and Projects.
2. **APPROVES** the deferral of the FOGO implementation until October 2021.
3. **APPROVES** the deferral of the upcoming Bulk Hard Waste collection until further notice.

PURPOSE OF REPORT:

To outline to Council the impact of COVID-19 on Waste Service provision and propose the deferral of the upcoming Bulk Hard Waste Collection Service and FOGO implementation Project.

BACKGROUND:

A key focus of the Waste Team in recent weeks has been to consider the impact of COVID-19 on waste service delivery and the development of a business continuity plan and measures to ensure that the essential waste collection services are maintained and the risk to public health minimised.

The main consideration for this report is the planned FOGO project implementation and the upcoming bulk hard waste collection schedule which are likely to be impacted by the COVID-19 situation.

DETAILS:

FOGO Implementation Project

The FOGO roll-out is currently planned to be rolled out from October 2020. Amidst the COVID-19 pandemic the risks associated with the successful implementation of this major FOGO project are increased. Risks include:

- Timing - this is not considered an appropriate time to launch a major new scheme, as our community's attention is understandably elsewhere
- Contractor availability and ability to deliver the project
- Processing infrastructure – this is already limited and previously proposed development plans may be impacted/delayed further
- Bin infrastructure availability
- The City's attention and resources are now focussed on dealing with the implications of COVID-19 on the local community.

Given the sharply increased risks, it is recommended that we postpone the launch until October 2021, to align with contract renewal/extension timeframes.

Bulk Verge Collections – Green and Hard Waste

The collection contractor will continue and complete the current Bulk Green Waste Collection schedule, which is due for completion on Friday 17 April.

The City's Contractor has raised serious concern regarding their ability to undertake the scheduled bulk hard waste collections, which are due to commence from Monday 20 April 2020.

They are a small team and have health concerns regarding the manual collection and compaction of potentially contaminated bulky household items, given that current health department guidance suggests the

COVID-19 virus may survive on hard un-sanitised surfaces for up to 3 days. There is a risk that should operations commence and staff members fall ill or need to self-isolate, that they will be unable to complete the schedule; potentially leaving numerous waste piles on City verges.

There is currently still the option for our residents to use the City's on-demand services for mattresses and white goods. These too are contracted services and whilst there are similar staff shortage risks associated with COVID-19, as there are a limited number of booked services, the risk is much more manageable i.e. these services can be controlled and will not involve the risk of vast quantities of waste being deposited on the verge.

The recommendation is to postpone the bulk hard waste collection service until further notice.

CONSULTATION/ADVERTISING:

The scheduled bulk hard waste collection dates are currently published on the City's Website. We have put a hold on leaflet distribution pending the Council decision.

The preliminary communications regarding FOGO to date indicated an implementation timeframe from October 2020. The main communications launch is not scheduled to commence until July 2020.

For both services Administration would ensure the changes and rationale are communicated effectively to the community.

LEGAL/POLICY:

The Bulk Hard Waste Service is a discretionary service.

The WA State Waste Strategy Target for the implementation of a FOGO three bin system is by 2025.

RISK MANAGEMENT IMPLICATIONS:

Medium: Although set-out times have been reduced to the weekend before collections, as this is the first year of this change, there is still the risk that residents may present waste up to two weeks prior, as they have been allowed to historically. If approved, it is essential that we remove all reference to the April 20 schedule and communicate the changes as soon as possible.

Low: Potential Illegal dumping incidents. Will liaise with Rangers to ensure rapid response (investigation/removal).

Medium: Disappointment from the community regarding the postponed services. Would ensure effective communications of the rationale of the change.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

We have improved resource efficiency and waste management.

Choose an item or delete if not relevant.

Innovative and Accountable (select the priority outcome below or delete if not applicable)

Choose an item or delete if not relevant.

SUSTAINABILITY IMPLICATIONS:

Delays in FOGO implementation would adversely affect waste diversion improvements, as we would not maximise the recovery of organic content from the residual bin.

FINANCIAL/BUDGET IMPLICATIONS:

Postponing the Bulk Hard Waste Service would offer operational budget savings in the region of \$228,000 for the 19/20 financial year.

Postponing the FOGO implementation would offer \$203,000 budgeted operational savings. Capital costs for infrastructure supply and delivery would be deferred to 2021/22.

6 COMMUNITY & BUSINESS SERVICES**6.1 COVID-19 URGENT RELIEF MEASURES**

- Attachments:
1. Urgent Relief Measures [↓](#) 
 2. Letter from Minister for Planning dated 25 March 2020 [↓](#) 
 3. 17.1.1 (Development Applications) of Council Delegated Authority Register (in mark up) [↓](#) 

RECOMMENDATION:**That Council:**

1. **APPROVES** a range of urgent relief measures to support the community and small businesses impacted by COVID-19 as outlined in Attachment 1.
2. **AGREES** that temporary uses and temporary changes to uses shall be permitted to operate up to three months after the current State of Emergency declared for Western Australia has ended or until 15 September 2020, whichever is the earliest, without the requirement for development approval, pursuant to Schedule 2, Part 7, Clause 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:
 - 2.1 The subject property is zoned commercial, mixed use, district centre, regional centre, or local centre under the City's Local Planning Scheme No. 2;
 - 2.2 The proposed land use is permissible in Table 1 of Local Planning Scheme No. 2;
 - 2.3 Not more than two food businesses are registered at the property;
 - 2.4 Business owners provide written notification of the change to the use and details of modified operation to residents prior in accordance with 1.3 of Appendix 3 of the City's Community Consultation Policy to the use commencing. Written notification shall include the business owner's contact details in the case of any issues arising; and
 - 2.5 Written notification is provided to the City prior to the use commencing, detailing the extent of changes to the operations that are being introduced in response to COVID-19; and
3. **APPROVES BY ABSOLUTE MAJORITY** the following amendments to the Council delegations in 1.1.1 of the Council Delegations Register, as shown in mark up in Attachment 3:
 - 3.1 Amendment of Express Power or Duty Delegated and condition 12 to enable the CEO to determine applications to amend a development approval that was determined by Council, provided the amendment meets all of the standards set in the City's local planning policies and State Planning Policy 7.3 Residential Design Codes, and would not change the impact of any condition imposed;
 - 3.2 Clarification in the Express Power or Duty Delegated that the CEO is delegated the power to determine amendments to Development Assessment Panel applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011;
 - 3.3 Inclusion of a new delegation to enable the CEO to determine all applications proposing a car parking shortfall under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements; and
 - 3.4 Amendment of condition 9 to allow the CEO to determine uses not listed in Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements.

PURPOSE OF REPORT:

To seek Council's approval for a range of relief measures to take immediate effect to support the City of Vincent's community and local businesses impacted by COVID-19 outlined in **Attachment 1**.

BACKGROUND:

COVID-19 social distancing measures have had a marked impact on the lives and livelihoods of City of Vincent residents. Additionally, the City of Vincent's own businesses have been impacted, creating gaps in service provision, while constraining revenues which would typically be redirected to social programs.

On 25 March 2020 the Minister for Planning, the Hon. Rita Saffioti wrote to all local governments requesting they "*use their discretionary powers and planning processes to both promote development and support businesses during this uncertain time.*" Specifically, the Minister encouraged local governments to "*fast-track the assessment of development applications for non-controversial developments to support the creation of jobs*", using the examples of "*pragmatic assessment of change of use proposals to promote development and flexibility in application of car parking requirements to encourage new business activation.*" The Minister's letter is included as **Attachment 2**.

DETAIL:

The City of Vincent has been working urgently on measures to provide immediate relief, and support recovery, for our community and local businesses impacted by COVID-19 which are outlined in **Attachment 1**. We propose these immediate relief measures are effective until 30 June 2020 at which stage we will report to Council on their efficacy and recommend whether they should continue or be amended.

In addition to the immediate measures detailed in this paper, a more comprehensive COVID-19 Relief and Recovery Strategy is to be considered by Council in a separate agenda paper.

CONSULTATION/ADVERTISING:

None. The proposed measures are designed to provide immediate relief and support to the community and small businesses.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *Policy No. 4.1.5 – Community Consultation; and*
- *Policy No. 4.1.22 – Prosecution and Enforcement.*

RISK MANAGEMENT IMPLICATIONS:

Medium: The impacts of COVID-19 on City services, finances and our entire community are not known. These immediate measures respond to the challenges currently facing our community but will be monitored and adjusted as part of the implementation of the COVID-19 Relief & Recovery Strategy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Thriving Places

We are recognised as a City that supports local and small business.

Innovative and Accountable

Our community is satisfied with the service we provide.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

These initiatives are considered financially prudent and the impact will be revised at the end of the current financial year.

The City expects rates defaults to increase and these measures will support appropriate debtor management strategies.

COVID-19 Urgent Relief Measures

Relief Measure	Comments
1. Buy local promotional campaign to support our small businesses.	The "Open for Business in Vincent" page has been launched on the City's website, with details of local business who continue to trade. To be promoted via social media.
2. Changes to car parking to support take away and home delivery services.	A focus on short term, high turnover parking to assist takeaway and delivery.
3. Waiver of interest on all outstanding rates and a suspension of new debt collection activities.	Immediately applies a waiver on outstanding rates, from Monday, 23 March 2020. Equates to a waiver of approximately \$50,000.
4. Development approval exemptions for change of use, through to 31 December 2020.	Change of use is facilitated to assist maximum flexibility for businesses.
5. Refund on all cancelled bookings at City-owned properties or facilities.	Typically applies to community groups. City has ensured no penalties are applied and refunds provided as appropriate.
6. Bring forward planned asset maintenance programs.	Capital projects are being reprioritised to bring forward suitable capital works and maintenance, where it is fiscally responsible to do so. Examples include maintenance at Beatty Park during shut down. This may also draw on the "Cash in lieu of parking reserve" to progress Transport Infrastructure projects.
7. Consideration of impacts of COVID-19 on City debtors	The City is taking a considerate approach to debtors at this time, and is providing flexible payment terms and customised repayment solutions to suit the individual/business. Legal action and debt recovery will be suspended during the period.
8. Fortnightly payment of creditors.	Businesses will benefit through a timely payment of funds.
9. Disbursing Leederville Gardens trust funds to vulnerable residents impacted by COVID-19.	Addressed in a separate agenda paper.
10. Arts Relief using developer contributions cash-in-lieu funds from Percent for Art policy	Addressed in a separate agenda paper.
11. Considering deferral of City's major FOGO third bin project until 2021	Addressed in a separate agenda paper.
12. Express planning services for development applications to support the diversification, and effective and efficient operation of businesses whilst Federal and State restrictions limit their operation. This would allow businesses to operate in modified format during this time. The following changes are proposed to help facilitate the immediate changes businesses now need to make:	Restrictions which have been put in place at a federal and state level to manage the outbreak of COVID-19 have resulted in businesses needing to change the way in which they operate in order to remain open. With regard to planning, this means that many business will need to alter their current operations to still be able to provide goods and services to the community at this time of need. The need to obtain approvals from the City of Vincent is a potential barrier to businesses responding rapidly enough to these immediate changes. In particular is the requirement for development approval as the timeframe

Relief Measure	Comments
	for an application of this nature may take up to 90 days to be determined.
<p>12.1 Extend the Beaufort Street Change of Use Exemption trial, endorsed by Council at its meeting held on 23 July 2019, to all non-residential zones land in the City for a period of six months, or up to three months after the State of Emergency has ended, whichever happens first.</p> <p>Should these businesses wish to continue in their modified format past this period, development approval would be required. This exemption would not extend to the necessary building and health approval process as required under the relevant legislation.</p>	<p>This exemption would be subject to businesses:</p> <ul style="list-style-type: none"> • Advising the City prior to the change so the City can advise on any other building or health legislative requirements; • Advising their neighbours of the change and providing them with their contact details; and • There not being more than two food businesses operating from the property to ensure that the City can regulate the health and safety of the food businesses during the State of Emergency.
<p>12.2 Delegate the power to determine the following development applications to the CEO:</p> <ul style="list-style-type: none"> • applications to amend a development approval that was determined by Council, provided the amendment meets all of the standards set in the City's policies and the R-Codes, and would not change the impact of any condition imposed previously by Council; • Clarification that the CEO is delegated the power to determine amendments to Development Assessment Panel applications; • all applications proposing a car parking shortfall; and • uses not listed in Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements. 	<p>Applications would still be presented to Council or its delegated Committee the development involves certain land uses, a heritage building, is over two storeys in height, or if there is more than 5 objections.</p>
<p>12.3 An amnesty on delivery and operating hours requirements under existing development approvals, while the State of Emergency is in place.</p>	<p>This will be implemented by Administration in accordance with the City's Prosecution and Enforcement Policy.</p>
<p>13. Rent abatement in City-owned tenancies for small community groups.</p>	<p>The City will waive rent for tenants classified as Category 1 and 2 in the City's Property Management Framework. Other tenants will be reviewed on a case-by-case, within the debtor management framework.</p>



Minister for Transport; Planning

Our ref: 72-24706

Mayor Tracey Roberts JP
President
Western Australian Local Government Association (WALGA)
PO Box 1544
WEST PERTH WA 6872

(For the Attention of all Mayor's and CEO's of Local Government Authorities)

Dear Mayors and CEOs,

REQUEST TO COUNCILS ON THE COVID-19 PANDEMIC

As the impacts of COVID-19 continue to impact our day-to-day functions, it is vital that we work together to do everything we can to support our communities over the weeks and months ahead.

The pandemic is disrupting the way businesses and service providers ordinarily operate and is creating new challenges that require changes in community behaviour. We have noted that over the past week some retailers, supermarkets and other businesses are struggling to meet the unprecedented consumer demand we are experiencing. On the other end of the scale, there are industries being impacted by the challenges brought about by COVID-19. It is vital local businesses are afforded every opportunity of support to withstand the economic headwinds ahead.

To this end, on behalf of the State Government I would like to ask your local government to use their discretionary powers and planning processes to both promote development and support businesses during this uncertain time. Specifically, I would encourage all local governments to fast-track the assessment of development applications for non-controversial developments to support the creation of jobs. An example of this could be a pragmatic assessment of change of use proposals to promote development and flexibility in application of car parking requirements to encourage new business activation.

Equally Councils across the State can support their communities through this period by adopting a flexible approach to enforcement and compliance actions for servicing and supply of supermarkets during the period.

I encourage Councils to continue to maintain open lines of communication with important service providers including retailers and suppliers as this situation evolves as new issues and challenges arise.

Level 9, Dumas House, 2 Havelock Street, West Perth, Western Australia, 6005
Telephone: +61 8 6552 5500 Facsimile: +61 8 6552 5501 Email: minister.saffioti@dpc.wa.gov.au

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It is important that we all work together during this exceptional period to respond to this evolving situation. The WA Government is committed to supporting you so you can continue to effectively assist your communities as we deal with the challenges ahead.

If you or your teams have any questions in relation to the planning response to COVID-19 please contact the Department of Planning, Lands and Heritage's Kathlene Oliver on 6551 9211.

Your Sincerely,



**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**

25 MAR 2020

1 Delegations made under the *Planning and Development Act 2005*

Section 5.42 of the Local Government Act provides that:

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) ...
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).
- * Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Sections 214 (2), (3) and (5) of the *Planning and Development Act 2005* provide that:

214. Illegal development, responsible authority's powers as to

- (1) ...
- (2) If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.
- (3) If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —
 - (a) to remove, pull down, take up, or alter the development; and
 - (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- (4) The responsible authority may give directions under subsections (2) and (3)(a) and (b) in respect of the same development and in the same instrument.
- (5) If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose duty it is to execute the work to execute that work.
- (6) ...

Regulations 81-84 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provide that:

81. Terms used

In this Division —

absolute majority has the meaning given in the *Local Government Act 1995* section 1.4;
committee means a committee established under the *Local Government Act 1995* section 5.8.

82. Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme* other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.

- (3) *The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.*

83. *Local government CEO may delegate powers*

- (1) *The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.*
- (2) *A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.*

84. *Other matters relevant to delegations under this Division*

The Local Government Act 1995 sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

(*Underlining added - the effect of this is that a power can only be delegated if it exists in a local government's local planning scheme (LPS) in the first instance).

1.1 Delegations by Council to the CEO

1.1.1 Determination of Various Applications for Development Approval under the City's Local Planning Scheme

Delegation from Council to CEO

<p>Head of power to Delegate: <i>Power that enables a delegation to be made</i></p>	<p>Regulations 81-84 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>
<p>Express Power or Duty Delegated:</p>	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>; subclause 29(2) of the <i>Metropolitan Region Scheme</i>; and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Advertising of applications and proposals under subclauses 18(4), 23(2) and 34(4) of the City of Vincent Local Planning Scheme No. 2; Clauses 18, 34, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30(1) of the <i>Metropolitan Region Scheme</i>.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(f) and 61(2)(d) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Vincent Local Planning Scheme No. 2 and/or Metropolitan Region Scheme; • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the <i>State Administrative Tribunal Act 2004</i>; • Determine the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>; • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or rejected;

	<ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval previously determined under delegated authority; • Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; • Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; and • Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.
<p>Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>The determination of applications for development approval made under City of Vincent Local Planning Scheme No. 2 and the <i>Metropolitan Region Scheme</i>.</p> <p>Reconsidering a decision when invited to do so by the State Administrative Tribunal under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Determining the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>.</p> <p>Determining the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or not;</p> <p>The determination of applications to amend or cancel a development approval made under delegated authority or to extend the period within which the development approved must be substantially commenced.</p> <p>Waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.</p>
<p>Council Conditions on this Delegation:</p>	<ol style="list-style-type: none"> 1. This delegation does not extend to applications for development approval that propose to introduce one of the following land uses listed under Local Planning Scheme No. 2: <ol style="list-style-type: none"> a. Cinema/theatre; b. Club premises; c. Corrective institution; d. Exhibition centre; e. Hospital; f. Hotel; g. Motel; h. Nightclub; i. Place of worship;

	<ul style="list-style-type: none"> j. Reception centre; k. Residential building; l. Serviced apartment; m. Small bar; n. Tavern; <ol style="list-style-type: none"> 2. This delegation does not extend to applications for development approval that propose a height of three storeys or more and do not meet the applicable Building Height deemed-to-comply standard or Acceptable Outcomes set by State Planning Policy 7.3 3.4: Residential Design Codes; 3. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use; 4. This delegation does not extend to applications for telecommunications infrastructure that have received one or more objections; 5. This delegation does not extend to the approval of applications for a billboard sign or directional sign; 6. This delegation does not extend to applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places; 7. This delegation does not extend to applications for development approval that propose a greater shortfall than five car parking bays under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements; 8. Cash-in-lieu of parking or a reciprocal parking arrangement is required for applications for development approval that propose a parking shortfall of 6 bays or more under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements; 9. This delegation does not extend to applications for development approval for land use that is not listed in Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements; 10. This delegation does not extend to applications for development approval that have received more than five (5) objections during the City's community consultation period unless the application is for a billboard sign or directional sign; 11. Any application for development approval within a design guideline area, character retention area or heritage area adopted by Council through a local planning policy is to be advertised to all owners and occupiers within that area by the City during the community consultation period, with the exception of the William Street Design Guideline Area and Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge Design Guideline Area, which shall be advertised in accordance with Policy 4.1.05 - Community Consultation;
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	<p>12. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed;</p> <ul style="list-style-type: none"> a. meet all equivalent acceptable or deemed-to-comply standards set out in the City's Local Planning Policies; b. meet all of the deemed-to-comply standards and element objectives and acceptable outcomes set out in State Planning Policy 7.3 Residential Design Codes; and c. would not change the impact of any condition imposed relates to an application previously determined by a Development Assessment Panel and the application to amend the development approval is made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2014; <p>13. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i>; and</p> <p>14. This delegation does not extend to applications for development approval that propose more than three (3) 'Dwellings (Grouped)' or 'Dwellings (Multiple)' and do not meet the deemed-to-comply standards or acceptable outcomes in relation to car parking of State Planning Policy 7.3 3.4: Residential Design Codes.</p>
Express Power to Sub-Delegate:	

Notes:
 Previously delegation 6.2 of the City's 2018/19 register.

6.2 \$500,000 COVID-19 ARTS RELIEF FUNDING FROM DEVELOPER CONTRIBUTIONS PERCENT FOR ART PROGRAM

Attachments: Nil

RECOMMENDATION:

That Council

1. **APPROVES** the establishment of an Arts Relief Working Group, comprising three Elected Members, with the purpose of providing advice to the COVID-19 Response and Recovery Committee or Council, as appropriate, on the use of \$500,000 in Percent for Art cash-in-lieu funds to provide arts relief during COVID-19
2. **APPOINTS** the three Elected Members to the Arts Relief Working Group for a six month term commencing 1 April 2020 and expiring 30 September
3. **APPOINTS** the following three Elected Members as deputy members to the Arts Relief Working Group for a term commencing 1 April 2020 and expiring at the cessation of the Arts Relief Working Group: Cr....., Cr....., Cr.....
4. **APPOINTS** Cr.....as the Chair of the Arts Relief Working Group.
5. **APPROVES** the use of \$500,000 in Percent for Art cash-in-lieu funds to develop projects to provide local artists and creative industries relief from the impact of COVID-19.

PURPOSE OF REPORT:

The report requests Council's approval of the:

- Establishment of an Arts Relief Working Group to address the impact of COVID-19 on local artists;
- Use of Percent for Art cash-in-lieu funding for art relief projects determined by the Arts Relief Working Group; and
- Reallocation of current arts project funding for the City's arts relief efforts.

BACKGROUND:

COVID-19 will have a significant impact on the City's artists. The City is able to provide immediate support and relief to the City's artists through existing developer contributions cash-in-lieu funds from the Percent for Art policy.

\$200,000 of these funds had previously been earmarked for the commissioning of a major public artwork which is currently under review. It is proposed that the entire \$500,000 cash-in-lieu budget is directed to assist City of Vincent resident artists and creatives during COVID-19 through commissioning arts projects that are of benefit to the Vincent community.

DETAILS:

The arts industry is particularly affected by the travel restrictions, limits on gatherings and events, and social isolation guidelines. Artists living in the City of Vincent will experience a loss of income, reduced job security and business model challenges.

Art has long been recognised as a means of reducing social isolation, connecting communities, recovering from trauma, and working through the emotional stress of difficult macro conditions. The use of the cash-in-lieu funds would support the local arts industry at a critical time and provide relief and stimulation to the wider community experiencing isolation.

The Percent for Art cash-in-lieu reserve has \$480,290, and the contract liability account has \$42,670, bringing the total to \$522,960.

Suburb	Amount
Leederville	90550
North Perth	167950
Mount Lawley	0
Highgate	0
Perth	224460
West Perth	0
Mount Hawthorn	40000
Total	522960

Expenditure of funds, under the Local Planning Policy, is at the discretion of the City, subject to the following key points among others:

- Money will only be refunded to the Owner/Applicant if the development does not proceed or does not reach the stage of substantial commencement under City Policy No: 7.5.4;
- It must be expended on a Public Art project located on public land;
- Cash-in-lieu funds paid in relation to more than one development may be accrued for more comprehensive or detailed Public Art projects as determined by the City.

The City recommends using the money available based on each suburb. If a proposed artwork is on the edge of a suburb, then we would consider using the adjoining suburb's funds, or nearby developments' funds, as well.

The following budget allocations in the 2019/20 financial year are yet to be spent and it is recommended expenditure is held under these lines pending a revised budget which takes into account a significant and dramatic fall in City revenues from fees, parking and charging.

- \$80,000 – Arts Strategy development
- \$40,000 – Artist Co-working space
- \$7,700 – WOMXN Arts Project Sponsorship (project cancelled by recipient)

CONSULTATION/ADVERTISING:

The Arts Relief Working Group will engage the local arts community in order to deliver projects on the ground quickly during the restrictions places on artists by COVID-19.

LEGAL/POLICY:

The Arts Relief Funding relates to three City of Vincent policies:

- 3.10.7 – Art Collection Policy;
- 3.10.8 – Public Art; and
- 7.5.13 – Percent for Public Art.

RISK MANAGEMENT IMPLICATIONS:

Medium. Use of these existing and dedicated funds for public art as a relief measure from the impact of COVID-19 would provide a high community benefit during an unprecedented challenge to the local arts industry.

Administration would support the Arts Relief Working Group to manage public consultation and delivery risks associated with the shortened timeframes.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

An arts culture flourishes and is celebrated in the City of Vincent.

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Thriving Places

We are recognised as a City that supports local and small business.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

FINANCIAL/BUDGET IMPLICATIONS:

It is recommended that the entire Percent for Art cash-in-lieu reserve of \$500,000 is accessible for Arts Relief projects as identified by the Working Group over the next six months.

7 CHIEF EXECUTIVE OFFICER**7.1 COVID-19 RELIEF & RECOVERY STRATEGY & IMPLEMENTATION PLAN**

Attachments: 1. **City of Vincent COVID-19 Relief & Recovery Strategy**  

RECOMMENDATION:**That Council:**

1. **ENDORSE** the City of Vincent COVID-19 Relief and Recovery Strategy, included as Part 1 to Attachment 1; and
2. **NOTE** the City of Vincent COVID-19 Relief & Recovery Implementation Plan included as Part 2 to Attachment 1 will be updated and reported as required to the City's COVID-19 Committee and Council.

PURPOSE OF REPORT:

To consider the City's COVID-19 Relief and Recovery Strategy and Implementation Plan.

BACKGROUND:

The COVID-19 pandemic is impacting our community and organisation.

The impacts of the pandemic continue to emerge and evolve rapidly.

The City is proposing to respond to the impact of COVID-19 through a Relief and Recovery Strategy and Implementation Plan with a range of short, medium and long terms actions.

DETAILS:

The City's Relief & Recovery Strategy document is divided into two parts.

Part 1 is the Relief & Recovery Strategy. This part provides a summary of the COVID-19 context, sets out the purpose and structure of the approach, provides a governance structure for the City to implement the Plan and sets out the guiding principles during each phase of recovery.

Part 2 is the Implementation Plan. This part includes a summary of directives and requests that the City has received, the various stimulus packages and announcements from the State and Federal Government's and sets out the key actions that the City will be undertaking to provide relief and recovery from the impact of COVID-19.

The City proposes to form a new Council COVID-19 Relief & Recovery Committee to oversee the implementation of this Strategy and Implementation Plan.

In line with this governance approach Part 1 of this document is intended to be adopted by Council. Part 2 is intended to be a live document that is updated and reported regularly to the COVID-19 Relief & Recovery Committee. Some actions in the Implementation Plan will be determined by the COVID-19 Relief & Recovery Committee and require formal decisions of Council. The COVID-19 Relief & Recovery Committee will also lead stakeholder engagement and communications with the community. This structure will allow the City to continuously monitor and respond to the changing nature of the COVID-19 pandemic.

The Strategy includes three key Objectives relating to how the City recovers from the pandemic and the Objectives focus on our health and wellbeing, our community and our organisation. The Strategy also includes principles to guide decision making during the various phases of recovery.

The Implementation Plan sets out the key actions that the City will undertake to support the recovery of our community and organisation from the COVID-19 pandemic. A copy of the document is included as **Attachment 1**.

CONSULTATION/ADVERTISING:

None.

Given the urgent nature of the City's response to COVID-19 it is not proposed to consult on the Strategy. The City has been undertaking extensive engagement with State Government, other local governments, local businesses, residents and ratepayers since the commencement of the COVID-19 pandemic. This engagement has informed the development of this Strategy.

Stakeholder and community engagement will continue through weekly meetings of the COVID-19 Relief & Recovery Committee.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

It is low risk for the City to endorse a Strategy and Implementation Plan.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Thriving Places

We are recognised as a City that supports local and small business.

Innovative and Accountable

Our resources and assets are planned and managed in an efficient and sustainable manner.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to prepare the Strategy and Implementation Plan has been met through the City's existing operational budget. Specific actions in the Implementation Plan are anticipated to have impacts on the City's budget and these will be considered separately by Council as part of budget preparations.

COMMENTS:

The COVID-19 Relief & Recovery Strategy and Implementation Plan will provide a framework for the City to ensure it is best placed to understand the impacts of the COVID-19 on the community in the short term and put in place a range of measures to support recovery over the medium and long term.

City of Vincent COVID-19 Relief & Recovery Strategy & Implementation Plan

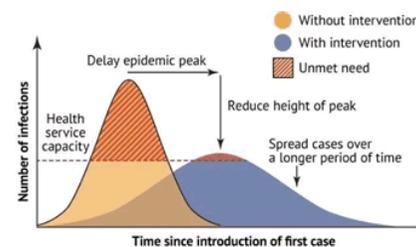
Part 1 – Relief & Recovery Strategy

1.1. Background

Public Health Context

Health and wellbeing is a high priority for the City of Vincent. The emergence of COVID-19 in Australia has significantly changed the way the City – both the community and organisation – views and manages public health. Initiating a public health response to COVID-19 involves strong and decisive action to minimise the gathering and movement of people. It has also led to there being a quickly changing policy environment whereby the City is required to anticipate the next stages of COVID-19 relief and recovery. COVID-19 is not just about public health, and we have to start preparing to implement strategies to promote and recover our local economy, environment, social connection and wellbeing. This relief and recovery phase is likely to last at least six months. It is a time which requires agile decision making, while ensuring the City analyses the potential benefits to inform decisions.

The purpose of the health directives to manage COVID-19 is to protect the vulnerable people in our community. COVID-19 symptoms may not be significant for some, while presenting serious health issues for others including severe pneumonia or even death. We must work together to protect those who are more vulnerable, including seniors and immunocompromised. The approach to flatten the curve is in place to prevent strain on our health system. By reducing the spread of COVID-19 we are making sure everyone can access the healthcare they need. For this reason, the City is committed to being a strong community role model to support our health and wellbeing.



Policy Context

In Australia, state and territory governments have primary responsibility for protecting life, property and environment within their borders. They have established plans in place to respond to, and recover from, natural and human-caused emergencies.

To complement the efforts of state, territory and international governments responding to a disaster or emergency, the Australian Government can also provide physical and financial assistance. The Australian Government has activated the National Coordination Mechanism (NCM) in response to the spread of COVID-19. The NCM will operate through the Department of Home Affairs and together with the states and territories will coordinate the whole of government responses to issues outside the direct health management of COVID-19. The NCM provide support and advice alongside the Australian Health Protection Principle Committee and state and territory chief medical officers in advising the National Cabinet on matters relating to COVID-19.

Local governments in Western Australia are required to implement public health and emergency directives from the State Government and to support the response and recovery of the State Government in accordance with the *Emergency Management Act 2005*. The City of Vincent is acting in accordance with emergency management directions under the Act. A list of these directives and the City's ongoing response is included in Appendix 2. The City will continue to make considered and agile risk-based public health decisions to support the worldwide and nationwide interventions to protect the community from COVID-19.

Further to this the City has a number of documents guiding its response as an organisation. This includes the City's Strategic Community Plan 2018-2028. This Plan is the City's most significant guiding document and establishes the community's vision for Vincent's future. The Plan drives our planning, budgeting, resource allocation and service delivery over the next decade, in order to focus our efforts and align our activities to achieve the community's vision. In addition, the City is operating within its Policy 4.1.26 – Risk Management. Under the policy, the COVID-19 impacts on the City have been determined to be "Almost Certain" and to be of a "Major" to "Extreme" consequence requiring urgent action. The City also has Business Continuity Plan. The purpose of this plan is to guide the City's Administration in responding to matters that affect business continuity at an operational level.

1.2. About the City of Vincent COVID-19 Relief & Recovery Strategy & Implementation Plan

Purpose

The purpose of this Plan is to:

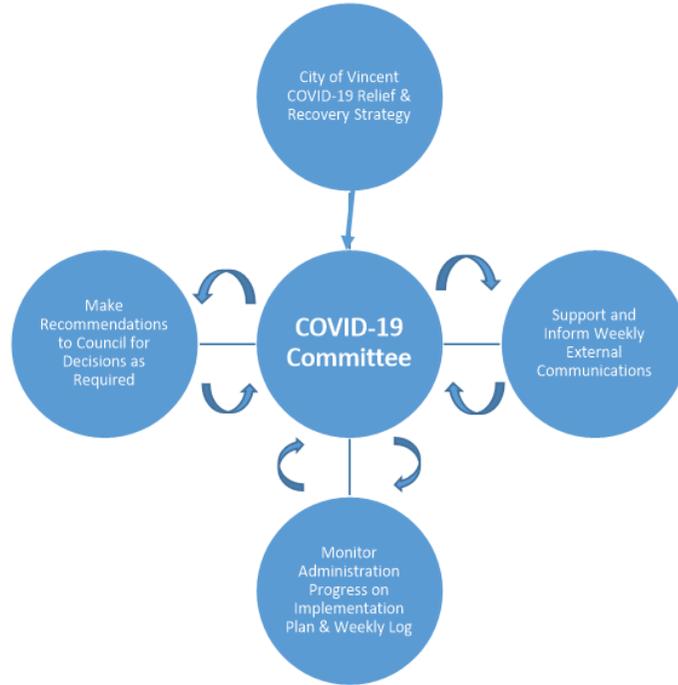
1. Support recovery initiatives in relation to COVID-19 at a State and Federal Government level by establishing a framework for the City to:
 - 1.1. Identify, monitor and document the impact of COVID-19 specific to the City of Vincent;
 - 1.2. Ensure agile and efficient decision making and communication during the recovery phase;
 - 1.3. Provide a road map to the City's short, medium and long term actions to provide relief and recovery as a result of COVID-19;
 - 1.4. Guide the City's future decision making in relation to the City's COVID-19 relief and recovery; and
 - 1.5. Provide support and civic leadership to our well-connected and resilient community during the recovery phase.

Relief & Recovery Strategy & Implementation Plan Structure & Governance

This document is divided into two parts. Part 1 is the Relief & Recovery Strategy. This part provides a summary of the COVID-19 context, sets out the purpose and structure of the approach, provides a governance structure for the City to implement the Plan and sets out the guiding principles during each phase of recovery.

Part 2 is the Implementation Plan. This part includes a summary of directives and requests that the City has received, the various stimulus packages and announcement from the State and Federal Government's and sets out the key actions that the City will be undertaking to provide relief and recovery from COVID-19.

The City is intending to form a new COVID-19 Committee to oversee the implementation of this Strategy and Implementation Plan. In line with this governance approach Part 1 of this document is intended to be adopted by Council. Part 2 is intended to be a live document that is updated and reported regularly to the City's COVID-19 Committee. Some actions in the Implementation Plan will be determined by the COVID-19 Committee and some will require formal decisions of Council. The COVID-19 Committee will also provide support and inform weekly external communications. This structure will allow the City to continuously monitor and respond to the changing nature of the COVID-19 pandemic.

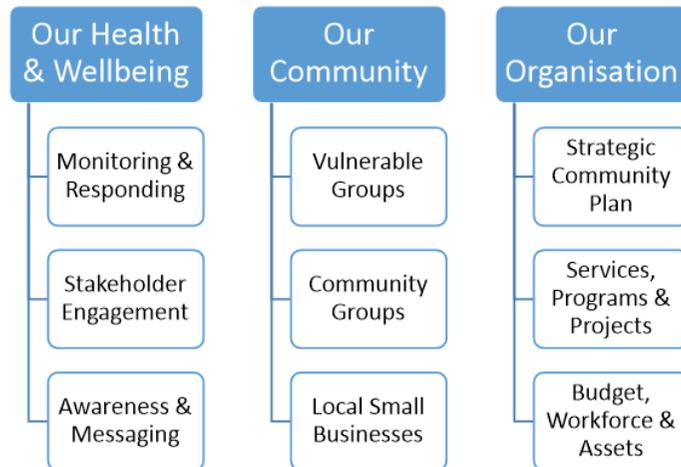


1.3. Objectives & Principles

Objectives

The objective of this document are to:

Key Focus Area	Objective
Our Health & Wellbeing	Ensure the City monitors for and responds to new directives and manages the current and ongoing risks to public health. Raise awareness of public health messages in the community and with our key stakeholders.
Our Community	Monitor the impact of the COVID-19 pandemic on vulnerable groups, community groups, sporting clubs and our business community. Develop innovative approaches to support our community to recover.
Our Organisation	Monitor the impact of the COVID-19 pandemic on the City's operations. Reorient our organisation to recovery efforts and deliver on the Strategic Community Plan during recovery.



Principles

It is anticipated that there will be three key phases to recovery over the short, medium and long term. Some principles apply to all three phases of recovery, with further specific principles applying to each specific phase.

Overarching Principles

The following principles apply through all phases of recovery:

- Act in a highly responsive, comprehensive, coordinated and safe manner to ensure health and emergency management directives are implemented as the highest priority.
- Ensure consistent and regular communication with community and staff.
- Recognise, understand and action the support needed for vulnerable groups, community organisations, sporting clubs and local businesses.
- Recognise, understand and action the support needed for our workforce.
- Partner and collaborate with our key stakeholders to support relief and recovery.
- Deliver agile and responsive decision making through the establishment of the City-s COVID-19 Committee.

Phase 1 – Short Term – Response & Relief

This phase is expected to last between March and April 2020. This phase of the recovery is focused on understanding and responding to the immediate changing impacts of COVID-19. The following principles apply to Phase 1:

- Realign and reprioritise the City's existing services, programs and projects.
- Understand the impact on the City's current 2019/20 budget and cash flow.
- Assess all available resources for relief and recovery efforts.
- Establish a framework for relief and recovery.

Phase 2 – Medium Term – Adapt

This phase is expected to last between March and June 2020. This phase of recovery is focused on adapting to the impacts of COVID-19. The following principles apply to Phase 2:

- Consider and implement medium term actions identified in the Implementation Plan through continuous review by the City-s COVID-19 Committee.
- Forecast and plan for a significantly impacted 2020/21 budget.
- Refocus and redirect all available resources toward recovery.
- Restore services and access to community facilities where possible.
- Maintain connection in our community through innovative business practices, expansion of online communication and remote community building initiatives
- Remain responsive and adaptable to the changing needs of vulnerable groups, community organisations, sporting clubs and local businesses.
- Remain responsive and adaptable to the changing needs of our workforce and realign the City’s existing workforce to recovery efforts.

Phase 3 – Long Term – Recovery

This phase is expected to last between March and December 2020 and beyond. The focus of this phase is integrating the impacts of COVID-19 into a new way of operating. The following principles apply to Phase 3:

- Consider and implement long term actions identified in the Implementation Plan through continuous review by the City-s COVID-19 Committee.
- Reorient the way the City delivers services during and after COVID-19.
- Support economic rebound and social reconnection.
- Build on the resilience and innovation of our organisation and community developed during COVID-19.
- Consider the ongoing impacts and needs of vulnerable groups, community organisations, sporting clubs and local businesses.
- Consider the ongoing impacts and needs of our workforce.
- Reflect on performance during recovery in delivering on the Strategic Community Plan.

Part 2 – Implementation Plan

2.1. Key Actions

	Key Action	Responsible Team	Support Team	Timing			Status	Weekly Update
				Short	Medium	Long		
1. Our Health & Wellbeing	1.1. Facility Plan developed for Beatty Park, Loftus Community Centre and Library and Local History Centre to implement public health directives.	Built Environment & Wellbeing	Beatty Park Library & Local History Centre	•			Beatty Park closed. Library & Local History Centre closed.	
	1.2. Communications Plan developed including community messaging through website, social media and display at the City's facilities.	Built Environment & Wellbeing	Beatty Park Library & Local History Centre	•			Currently implementing communications.	
	1.3. Maintain customer service support and consider a range of measures to support ongoing community engagement using online and innovative practices.	Built Environment & Wellbeing	Beatty Park Library & Local History Centre Customer Service	•			Migrate customer service to online tools and systems. Investigate Messenger use on website. Train customer service team to work in Messenger format. Phone placed at front counter listing extensions to be rung if customers come in.	
	1.4. Consider developing a local campaign for flu season vaccinations.	Built Environment & Wellbeing	Marketing		•		Currently considering.	
	1.5. Draft Public Health Plan, community education campaign and stakeholder engagement.	Built Environment & Wellbeing	Marketing		•	•	Currently drafting Plan.	
	1.6. Engage with local businesses which support the City's public health (e.g. gyms, yoga), to encourage uptake of physical activity and wellbeing programs by the community	Built Environment & Wellbeing	Marketing and Partnerships	•	•		In discussions.	
2. Our Community	2.1. Waive interest on all outstanding rates and a suspension of new debt collection activities.	Finance		•			Currently implementing.	
	2.2. Refund all cancelled bookings at City-owned properties or facilities.	Community Partnerships	Finance	•			Currently implementing.	
	2.3. Consideration of impacts of COVID-19 on City debtors.	Finance		•			Currently considering.	
	2.4. Move to fortnightly payment of creditors.	Finance		•			Currently considering.	
	2.5. Budget and financial strategy for 2020/21 to consider a 0% rate and fees and charges increase.	Finance			•		Currently considering.	
	2.6. Consider Expression of Interest for disbursement of significant Leederville Gardens trust funds to assist vulnerable residents impacted by COVID-19.	Finance	CEO Office	•			Currently considering. Report to Council 30 March 2020.	
	2.7. Expand Vincent Library e-book loans and Books on Wheels service.	Library & Local History Centre		•			Currently considering.	
	2.8. Expand Meals on Wheels Service.	Library & Local History Centre		•			Currently considering.	

Key Action	Responsible Team	Support Team	Timing			Status	Weekly Update
			Short	Medium	Long		
2.9. Migrate library services to online such as story time.	Library & Local History Centre		•			Currently considering.	
2.10. Assess further need and support through reprioritisation of services and resources.	Library & Local History Centre		•			Currently considering.	
2.11. Currently engaging with businesses and community groups impacted by COVID-19 to ascertain needs and hardship being experienced.	Policy & Place Community Partnerships		•			In discussions.	
2.12. Launch buy local campaign to support our small businesses and provide social media support.	Marketing	Policy & Place	•			Launched and available at www.vincent.wa.gov.au/open-for-business-in-vincent .	
2.13. Discuss with local businesses to implement changes to car parking to support take away and home delivery services.	Engineering	Policy & Place	•			Currently investigating.	
2.14. Launched online planning applications for lodgement and tracking.	Development & Design	IT	•			Complete.	
2.15. Expand Beaufort Street amnesty for change of use planning applications across Vincent.	Policy & Place	Development & Design	•			Currently considering.	
2.16. Consider arts industry relief using developer contribution cash-in-lieu funds from Percent for Art fund.	Marketing	Policy & Place Development & Design	•			Currently considering.	
2.17. Consider all waste services with a focus on essential service provision for bin collection. Also green waste, junk verge waste. Liaise with WALGA regarding contingency planning across local government.	Waste		•			Currently considering.	
2.18. Consider timing of rollout of FOGO.	Waste		•			Currently considering. Report to Council 30 March 2020.	
2.19. Maintain contact with clubs, community groups and stakeholder who use community facilities and sportsgrounds to assist in reviewing the financial and social impact of closures and cancellations.	Community Partnerships			•		Currently considering.	
2.20. Maintain contact with local businesses to understand impacts and support local business adaptation to new requirements.	Policy & Place		•			In discussions.	
2.21. Consider sponsorship, grants and relief packages for community groups, sporting clubs and local businesses.	Finance	Policy & Place Community Partnerships		•		Currently considering.	
2.22. Consider events and initiatives to assist with economic rebound.	Policy & Place Marketing				•	Currently considering.	
3. Our Organisation							
3.1. Maintain ability for Council Members, executive staff and community members to participate in Council Meetings.	Governance		•			Complete. Online platform to be used 30 March 2020.	
3.2. Establish a Committee of Council to assisting responding effectively to COVID-19.	Governance		•			Currently considering. Report to Council 30 March 2020.	
3.3. Realign and reprioritise services, projects, staff and resources towards relief and recovery. Develop new online community building initiatives.	All		•			Currently considering.	
3.4. Bring forward planned asset maintenance programs.	Engineering Parks	Finance	•	•	•	Currently considering.	

Key Action	Responsible Team	Support Team	Timing			Status	Weekly Update
			Short	Medium	Long		
3.5. Review of 2019/20 budget and cash flow for fourth quarter 2019/21 and forecast impacts. Report to Council on these impacts and identify a budget strategy to address these impacts, including redirection of funding to response initiatives.	Finance		•			Currently considering.	
3.6. Seek deferral of OAG performance audit of Information Technology.	Governance		•			Requested.	
3.7. Transition to remote working for all possible staff. Consider ways to support our workforce during this time including seeking opportunities to reallocate team members to recovery efforts and essential services.	Human Resources		•			Remote working complete. Currently considering reallocation of casual staff.	
3.8. Consider project readiness for potential State and Federal grant funding and further stimulus packages.	Engineering Policy & Place				•	Currently considering.	

2.2. Directives

The State Government issues directives to the City and across the State under the *Emergency Management Act 2005* to respond to the emergency.

Date	Direction	Response
15 March 2020	Declaration of State of Emergency in respect of the pandemic caused by virus COVID-19: https://www.wa.gov.au/sites/default/files/2020-03/Declaration%20of%20State%20of%20Emergency.pdf	<ul style="list-style-type: none"> • Communication through emergency management networks
16 March 2020	Declaration of Public Health State of Emergency: https://www.wa.gov.au/sites/default/files/2020-03/Western%20Australia%20Declaration%20of%20Public%20Health%20State%20of%20Emergency.pdf	<ul style="list-style-type: none"> • City implemented all directives • City monitoring the situation in the community and liaising with WA Police who hold emergency powers
20 March 2020	Direction regarding deliveries and waste collection: https://www.dlgsc.wa.gov.au/docs/default-source/news/public-authorities-(delivery-of-goods-and-collection-of-rubbish-and-refuse)-directions.pdf .	

2.3. Announcements

The State and Federal Government, and other agencies and organisations make announcements in relation to COVID-19.

Date	Announcement	Response
12 March 2020 & 22 March 2020	The Federal Government has announced a series of stimulus packages to support the Australian economy as it deals with this challenge: https://treasury.gov.au/coronavirus .	
13 March 2020	Advice against holding non-essential public gatherings of more than 500 people from 16 March 2020: https://www.pm.gov.au/media/advice-coronavirus	<ul style="list-style-type: none"> • Outdoor events >500 people cancelled and advertising ceased • Event stakeholders engaged on this announcement
16 March 2020	Self-isolation required for all people entering Australia for a period of 14 days: https://www.pm.gov.au/media/coronavirus-measures-endorsed-national-cabinet	<ul style="list-style-type: none"> • Directive implemented by the City
16 March 2020	The State Government announced economic response and relief packages to support the Western Australian economy as it deals with the impacts of COVID-19: https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/COVID-19-economic-response-Relief-for-businesses-and-households.aspx .	

Date	Announcement	Response
18 March 2020	Non-essential indoor gathering limited to 100 people, social distancing of 1.5metres and hygiene measures required: https://www.pm.gov.au/media/update-coronavirus-measures	<ul style="list-style-type: none"> Documented management systems implemented at Beatty Park, Library and other facilities Local businesses advised of this announcement
20 March 2020	Four square metre density applied to indoor gatherings: https://www.pm.gov.au/media/update-coronavirus-measures-0	<ul style="list-style-type: none"> Local businesses advised of this announcement
22 March 2020	The following facilities were restricted from opening from midday local time 23 March 2020: <ul style="list-style-type: none"> Pubs, registered and licenced clubs (excluding bottle shops attached to these venues), hotels (excluding accommodation) Gyms and indoor sporting venues Cinemas, entertainment venues, casinos, and night clubs Restaurants and cafes will be restricted to takeaway and/or home delivery Religious gatherings, places of worship or funerals (in enclosed spaces and other than very small groups and where the 1 person per 4 square metre rule applies) https://www.pm.gov.au/media/update-coronavirus-measures-220320	<ul style="list-style-type: none"> Beatty Park, Library and other community facilities closed Local businesses advised of this announcement Monitoring of local businesses implemented by the City
24 March 2020	Additional prohibited activities and venues to apply from 11.59pm (local time) 25 March 2020, including beauty therapists, health clubs, swimming pools, galleries, and restrictions on weddings, funerals and outdoor bootcamps: https://www.pm.gov.au/media/update-coronavirus-measures-24-March-2020	<ul style="list-style-type: none"> Local businesses advised of this announcement

2.4. Requests

The State Government makes requests to Western Australian Local Governments to support recovery from COVID-19.

Date	Request	Response
17 March 2020	Hon. Mark McGowan MLA requested that the local government sector freeze all local government household rates, fees and charges in 2020/21 to ease the financial pressure on households and businesses.	<ul style="list-style-type: none"> Consider as part of Action 2.5.
25 March 2020	Hon. Rita Saffioti MLA requested that the local government sector to use discretionary powers and planning processes to both promote development and support businesses and adopt flexible approached to enforcement and compliance actions for servicing supply of supermarkets during this period.	<ul style="list-style-type: none"> Consider as part of Action 2.15.

7.1 ESTABLISHMENT OF A COVID-19 RELIEF AND RECOVERY COMMITTEE

- Attachments:
1. Covid-19 Relief and Recovery Committee - Terms of Reference [↓](#) 
 2. Covid-19 Relief and Recovery Committee Meeting Schedule [↓](#) 

RECOMMENDATION:**That Council:**

1. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 5.8 of the *Local Government Act 1995*, the establishment of the COVID-19 Relief and Recovery Committee, comprising of 3 persons, to provide oversight of the City's COVID-19 Relief and Recovery Strategy, provide advice to Council on actions under the strategy and make timely decisions under delegation from Council;
2. **ADOPTS** the Terms of Reference for the COVID-19 Relief and Recovery Committee as at Attachment 1;
3. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 5.10 of the *Local Government Act 1995*, the appointment of the following Elected Members to the COVID-19 Relief and Recovery Committee as committee members, effective 31 March 2020;
 1. Mayor Emma Cole
 2. Cr _____
 3. Cr _____
4. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 5.11 of the *Local Government Act 1995*, the appointment of the following Elected Members to the COVID-19 Relief and Recovery Committee as deputy committee members, effective 31 March 2020;
 1. Cr _____
 2. Cr _____
 3. Cr _____
 4. Cr _____
 5. Cr _____
 6. Cr _____
5. In accordance with section 5.17 of the *Local Government Act 1995*, **DELEGATES** the following powers and duties to the COVID-19 Relief and Response Committee:
 - 5.1 **Power to accept tenders over \$250,000** in accordance with section 3.57 of the *Local Government Act 1995* and regulation 18 of the *Local Government (Functions and General) Regulations 1996*;
 - 5.2 **Power to dispose of property** in accordance with section 3.58 of the *Local Government Act 1995*;
 - 5.3 **Power to waive fees or grant concessions or write-off debts over \$5,000** in accordance with section 6.12 of the *Local Government Act 1995*;
 - 5.4 **Power to grant licences** under regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*;

- 5.5 Power to determine an application for development approval under clause 68 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations*; subclause 29(2) of the *Metropolitan Region Scheme*; and subsection 31(2) of the *State Administrative Tribunal Act 2004*, where that power is not delegated to the Chief Executive Officer; and
- 5.6 Power to determine applications to amend a development approval previously determined under delegated authority, where that power is not delegated to the Chief Executive Officer.
6. In accordance with regulation 12(1) of the *Local Government (Administration) Regulations 1996*, PROVIDES local public notice of the dates, times and places of the COVID-19 Relief and Recovery Committee meetings, as at Attachment 2.

PURPOSE OF REPORT:

To establish a committee of Elected Members to provide oversight to the City's Relief & Recovery Strategy and provide advice to Council on actions under the strategy – or make timely decisions under delegation from Council.

BACKGROUND:

The potential impact of COVID-19 on local governments is unprecedented.

It will require local governments to make timely decisions and provide ongoing engagement with the community on the City's relief and recovery efforts.

Committees must comprise of at least three persons, and these can be Elected Members, members of the public and staff.

In accordance with section 5.17 of the *Local Government Act 1995* (LGA), Council may delegate to the committee any powers or duties under the LGA other than those requiring absolute majority or as prescribed in regulations.

In accordance with sections 5.23 and 5.24 of the LGA a committee which has delegated powers or duties must be open to the public and must include public question time. Any matters that meet the criteria in section 5.23(2) of the LGA can be considered behind closed doors. It is likely that the majority of items considered by the committee will not meet the criteria in section 5.23(2), which means the committee meetings will remain open to the public.

DETAILS:

The key objectives of the COVID-19 Relief and Recovery Committee are to:

- Provide oversight advice of the City's COVID-19 Relief and Recovery Strategy (Strategy);
- Make decisions on the implementation of actions under the Strategy;
- Ensure Council and the community are fully informed on the City's COVID-19 Relief and Recovery efforts;
- Provide a weekly opportunity for the community to engage with Council on the City's Relief and Recovery efforts;
- Make recommendations to Council on the allocation of financial resources to implement the Strategy (as an absolute majority Council decision is required);
- Approve the disbursement of Leederville Gardens Trust funds to registered Public Benevolent Institutions active within the City providing relief from the impact of COVID-19;
- Exercise discretion in the compliance with City policies arising due to impacts of COVID-19 or to facilitate the mitigation of COVID-19 impacts;
- Make decisions on the awarding tenders over \$250,000, disposing of property and writing-off / waiving fees over \$5,000 (under delegation);
- Grant licences for permanent structures in accordance with the City's *Development on City Owned and Managed Land Policy*;

- Make decisions on the expenditure on public art projects as recommended by the Arts Relief Working Group; and
- Determine urgent Development Applications from applicants responding to the impact of COVID-19 that have not been delegated to the CEO (under delegation).

To achieve these objectives, it is recommended that Council delegate the following powers to the Committee:

- Power to accept tenders over \$250,00 in accordance with section 3.57 of the LGA and regulation 18 of the *Local Government (Functions and General) Regulations 1996*;
- Power to dispose of property in accordance with section 3.58 of the LGA;
- Power to waive or grant concessions or write-off money over \$5,000 in accordance with section 6.12 of the LGA; and
- Power to grant licences under regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*;
- Power to determine an application for development approval under clause 68 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations*; subclause 29(2) of the *Metropolitan Region Scheme*; and subsection 31(2) of the *State Administrative Tribunal Act 2004*, where that power is not delegated to the Chief Executive Officer; and
- Power to determine applications to amend a development approval previously determined under delegated authority, where that power is not delegated to the Chief Executive Officer.

The proposed Terms of Reference are at **Attachment 1**.

It is proposed that the committee would meet weekly for the next 3 months on Tuesdays from 5 - 6pm immediately prior to either the Council Workshop, Briefing, Meeting or Budget Workshop.

The meetings would be held via videoconference and would include public question time.

It is proposed that Council appoints 3 committee members and 6 deputy committee members. The deputy committee members may perform the functions of the committee members when the member is unable to attend.

While acting as a committee member, the deputy members have all the functions and protections of the committee member. This will ensure the committee is able to continue to operate and make decisions in the event that a number of Elected Members cannot attend due to COVID-19.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Section 5.8 of the LGA sets out the requirements for establishing a committee.

RISK MANAGEMENT IMPLICATIONS:

Low: It is low risk for Council to establish this committee to ensure Council continues to fulfil its functions during the impact of COVID-19.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

Our community is aware of what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Nil.



CITY OF VINCENT

COVID-19 RELIEF AND RECOVERY COMMITTEE – TERMS OF REFERENCE

1. OBJECTIVES

The key objectives of the COVID-19 Relief and Recovery Committee (**Committee**) are to:

- Provide oversight advice of the City's COVID-19 Relief and Recovery Strategy (**Strategy**);
- Make decisions on the implementation of actions under the Strategy;
- Ensure Council and the community are fully informed on the City's COVID-19 Relief and Recovery efforts;
- Provide a weekly opportunity for the community to engage with Council on the City's Relief and Recovery efforts;
- Make recommendations to Council on the allocation of financial resources to implement the Strategy (as an absolute majority Council decision is required);
- Approve the disbursement of Leederville Gardens Trust funds to registered Public Benevolent Institutions active within the City providing relief from the impact of COVID-19;
- Exercise discretion in the compliance with City policies arising due to impacts of COVID-19 or to facilitate the mitigation of COVID-19 impacts;
- Make decisions on the awarding tenders over \$250,000, disposing of property and writing-off / waiving fees over \$5,000 (under delegation);
- Grant licences for permanent structures in accordance with the City's *Development on City Owned and Managed Land Policy*;
- Make decisions on the expenditure on public art projects as recommended by the Arts Relief Working Group; and
- Determine urgent Development Applications from applicants responding to the impact of COVID-19 that have not been delegated to the CEO (under delegation).

2. POWERS

- The Committee is a formally appointed committee of the Council in accordance with section 5.8 of the *Local Government Act 1995* (LGA) and is responsible to the Council.
- The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives as set out in clause 1 above.
- The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility.
- The Committee does not have any management functions and cannot involve itself in management processes or procedures.

3. MEMBERSHIP

- The Committee shall comprise of 3 members, who are Elected Members appointed by Council in accordance with section 5.10 of the LGA.
- The Committee shall comprise of up to 6 deputy committee members, who are Elected Members appointed by Council in accordance with section 5.11 of the LGA.
- In the event that a committee member is unable to attend a Committee meeting a deputy committee member will attend in their place. While acting as a committee member, the deputy members have all the functions and protections of the committee member.
- Council may terminate the appointment of any committee member if:
 - The Chairperson considers that the member is not making a positive contribution to the Committee; or
 - The member is found to be in breach of the City of Vincent Code of Conduct or a serious contravention of the *Local Government Act 1995*; or
 - A member's conduct, action or comments brings the City of Vincent into disrepute.
- The CEO and relevant senior employees as determined by the CEO are to attend all meetings to provide advice and guidance to the Committee. The CEO and administrative staff are not members of the Committee.
- The City shall provide secretarial and administrative support to the Committee.

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Covid-19 Relief and Response Committee Terms of Reference – D20/49167



CITY OF VINCENT

COVID-19 RELIEF AND RECOVERY COMMITTEE – TERMS OF REFERENCE

- Membership shall be for a six month period expiring on 30 September 2020 unless Council resolves to extend the term of the Committee.

4. CHAIRPERSON AND DEPUTY CHAIRPERSON

- The position of Chairperson will be filled by the Mayor, or if the Mayor is not a member of the Committee, by the Deputy Mayor, or otherwise by a vote of the Committee at its first meeting.
- The position of Deputy Chairperson will be filled by the Deputy Mayor, or if the Deputy Mayor is not a member of the Committee, or is appointed as Chairperson, by a vote of the Committee at its first meeting.
- In the event that the Chairperson is absent or unable to attend the Committee meeting, the Deputy Chairperson will preside. In the event that neither the Chairperson nor Deputy Chairperson is available to attend the Committee meeting, the Committee will vote on who presides at the commencement of the meeting.

5. MEETINGS

- The Committee shall meet weekly at 5pm on Tuesdays, or at an alternative time, day or place as agreed by the Committee, and subject to the provision of public notice in accordance with regulation 12(2) of the Local Government (Administration) Regulations 1996.
- The Committee may meet more regularly as required (hold special committee meetings) at the discretion of the Chairperson.
- The meetings will be open to the public, other than any items that are to be considered behind closed doors in accordance with section 5.23(2) of the LGA.
- The meetings will be accessible to the members, staff and public remotely.
- The meetings will commence with public question time as required by regulations 5 and 6 of the Local Government (Administration) Regulations 1996. Questions must relate to items on the meeting agenda and must be provided to Administration in writing at least 3 hours prior to the commencement of the meeting. A during the meeting, and The Chairperson will conduct public question in a manner which ensures all members of the public have a fair and equal opportunity to ask questions and receive a response, subject to a maximum of 15 minutes being allocated to public question time, unless otherwise approved by the Chairperson.

6. REPORTING

- Recommendations of the Committee meeting which require approval by Council shall be presented to the next Ordinary Meeting of Council or Special Meeting of Council, as appropriate.
- Minutes of all Committee meetings will be included in the Info Bulletin provided to the next Ordinary Meeting of Council, and a report providing an update on the implementation of the Strategy will be provided to the next Ordinary Meeting of Council as required.

7. DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee will be:

- Provide oversight to the City's COVID-19 Relief & Recovery Strategy;
- Make decisions on the implementation of actions under the Strategy;
- Ensure Council and the community are fully informed on the COVID-19 Relief and Recovery efforts;
- Provide a weekly opportunity for the community to engage with Council on the City's Relief and Recovery efforts;
- Make recommendations to Council on resource allocation to implement the Strategy and associated actions;
- Oversee disbursement of Leederville Gardens Trust funds to provide relief from COVID-19 impacts;
- Make decisions on the award of tenders over \$250,000;
- Make decisions on the disposal of property;

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Covid-19 Relief and Response Committee Terms of Reference – D20/49167



CITY OF VINCENT

COVID-19 RELIEF AND RECOVERY COMMITTEE – TERMS OF REFERENCE

- Grant licences for permanent structures on City owned or managed land in accordance with the City's Development on City Owned and Managed Land Policy;
- Make decisions on the expenditure of cash-in-lieu payments on public art projects, as recommended by the Arts Relief Working Group, and in accordance with the City's Policy No. 7.5.13 – *Percent For Art*; and
- Determine urgent Development Applications from applicants responding to the impact of COVID-19 that have not been delegated to the CEO (under delegation).

8. DELEGATED AUTHORITY

In accordance with section 5.17 of the *Local Government Act 1995* Council has delegated the following powers and duties to the Committee:

- Power to accept tenders over \$250,00 in accordance with section 3.57 of the LGA and regulation 18 of the *Local Government (Functions and General) Regulations 1996*;
- Power to dispose of property in accordance with section 3.58 of the LGA;
- Power to waive or grant concessions or write-off money over \$5,000 in accordance with section 6.12 of the LGA; and
- Power to grant licences under regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*;
- Power to determine an application for development approval under clause 68 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations*; subclause 29(2) of the *Metropolitan Region Scheme*; and subsection 31(2) of the *State Administrative Tribunal Act 2004*, where that power is not delegated to the Chief Executive Officer; and
- Power to determine applications to amend a development approval previously determined under delegated authority, where that power is not delegated to the Chief Executive Officer.



CITY OF VINCENT

COVID-19 RELIEF AND RECOVERY COMMITTEE – MEETING SCHEDULE

Meeting Date	Time	Place	Access
Tuesday, 7 April 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 14 April 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 21 April 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 28 April 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 5 May 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 12 May 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 19 May 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 26 May 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 2 June 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 9 June 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 16 June 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 23 June 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us
Tuesday, 30 June 2020	5 – 6pm	City of Vincent Administration, 244 Vincent Street, Leederville WA	Electronic access - Videostream via Zoom.us

D20/49169

7.3	\$1 MILLION LEEDERVILLE GARDENS TRUST COVID-19 RELIEF FUNDING
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- Attachments:**
1. **PBI - ACNC Factsheet**  
 2. **Expression of Interest**  

RECOMMENDATION:**That Council:**

1. **As trustee of the Leederville Gardens trust funds ENDORSES the allocation of up to \$1 million from those funds for the provision of urgent relief of people in need as a direct or indirect consequence of the conditions imposed by COVID-19;**
2. **INVITES Expressions of Interest from Registered Public Benevolent Institutions to be considered for funding under Recommendation 1. above; and**
3. **NOTES that the outcome of the expression of interest process in Recommendation 2. above will be presented to the City's COVID-19 Relief and Recovery Committee for consideration and approval.**

PURPOSE OF REPORT:

To consider whether to make a proportion of the Leederville Gardens Trust Funds available for distribution to organisation to deliver extra services and programs to address social isolation during the current COVID-19 pandemic.

BACKGROUND:

In 1991 the City of Perth promoted the formation of the Lake Monger Senior Citizens' Centre and Homes (Inc.), which was incorporated on 2 December 1991 and registered a name change on 26 June 1995 to Leederville Gardens Inc. (the Association). The Association was to develop and manage a retirement complex on land in Leederville, which was to be made available by the City and ownership transferred free of charge to the Association.

The project was clearly intended as a benevolent venture, reinforced through the original constitution and stated objects of the Association. In respect to the financial arrangements of the Association, the original constitution provided:

"Accumulated Operating Surplus

- 46.3 *If at the end of a financial year the amount of the accumulated operating surplus exceeds the base amount then the Association shall within thirty (30) days after the date of the auditor's certificate pay the amount of that excess to the City to be deposited by the City in a Particular Trust Account and disbursements therefrom shall only be made to public benevolent institutions which are located within the municipality of the City of Perth and which are covered by the provisions of sub-paragraph 78(1)(a)(ii) of the Income Tax Assessment Act and that the Deputy Commissioner of taxation in Western Australia shall be provided with a copy of that account, each year, at the completion of the audit."*

Clause 46(3) required payments *"therefrom shall only be made to public benevolent institutions which are located within the municipality of the City of Perth and which are covered by the provisions of sub-paragraph 78(1)(a)(ii) of the Income Tax Assessment Act"*

The Constitution was amended in 1998, with Clause 46(3) then requiring payments *"from that account shall be made to one or any of those organisations which:*

- (i) have similar aims and objectives to the Association;*
- (ii) exist for the acquisition, provision, maintenance, management or extension of the existing village operated by the Association, or the purchase or construction of a similar type of village for senior citizens within the Town's boundaries; and*
- (iii) are covered by the provisions of section 78(4) and Item 4.1.1 of the Income Tax Assessment Act."*

A further amendment to the Constitution in 2006 resulted in subclause (ii) has been amended to read:

“exist for the acquisition, provision, maintenance, management or extension of any existing housing, villages, flats apartments or similar accommodation operated by the Association, or the purchase or construction of a similar type of facility for senior citizens within the Town’s boundaries”.

Payments received during this period are potentially even more restricted than under the previous version of the Constitution as the Association’s Objects were also amended.

“The objects of the Association shall be:

- (a) To establish and maintain housing, villages, flats apartments or similar accommodation specifically for the use enjoyment and well being of retired persons.*
- (b) To arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures and classes in furtherance of the objects of the Association or any of them.”*

In total, \$2,864,786 has been transferred by the Association to the City, which inclusive of interest has now accumulated to approximately \$5.5m. Distribution of these funds will be subject to the specific trust provisions that arise from the respective constitution wording. For the purpose of identifying funds available for distribution, the transferred amounts have been accumulated relative to the respective Constitution applicable at the time:

<u>Constitution</u>	<u>Transfers</u>
1991	\$925,405
1998	\$647,840
2006	<u>\$1,291,541</u>
	\$2,864,786

The funds transferred under the original (1991) Constitution are the least restricted and due to the period held and accumulation of interest, represent approximately 45% of the total funds held or \$2.5m.

At the Ordinary Meeting of Council held 8 March 2016, a detailed report (9.3.5) was presented to provide a comprehensive update on the Association, together with a broad outline of the history and transition of the Association and an explanation on the terms of the Trust established through the Constitution to enable Council to make informed strategic decisions in respect to its future role at a Constitutional level. As a result, the following resolution was adopted.

That Council:

1. *NOTES that in the past the City’s Administration erred in some of its advice to Council and the Leederville Gardens Inc. (Association) Board in respect to the surplus funds of the Association and that legal advice has now confirmed that under the terms of the Trust established under the Leederville Gardens Inc. Constitution, the surplus funds transferred by the Association to the City:*
 - 1.1. *must be held in the City’s Trust account, despite clause 39(3) of the Constitution specifying it is to be held in a particular Reserve account;*
 - 1.2. *must be distributed by the City to other public benevolent institution in accordance with the terms of the Trust of the Constitution valid at the time of the transfer, as defined in clauses 39(3) and (4) of the Constitution (and its earlier equivalent); and*
 - 1.3. *in accordance with clause 39 (or its earlier equivalent) of the Constitution, neither the City nor the Association are eligible to be the recipients of any surplus funds held in Trust by the City;*
2. *NOTES the balance of the City’s Aged Persons and Senior Citizens Reserve (the Seniors Reserve) at 31 December 2015 was \$4,167,058;*
3. *APPROVES BY ABSOLUTE MAJORITY the transfer of the balance of the Seniors Reserve, including accumulated interest to the City’s Trust Account, in accordance with the terms of the Trust established in the Leederville Gardens Inc. Constitution;*
4. *APPROVES BY ABSOLUTE MAJORITY, in accordance with section 6.8(1)(b) of the Local Government Act 1995 the reimbursement and transfer to Trust of \$62,648 plus interest, transferred from the Seniors Reserve in 1998/99 and 1999/00 as a contribution towards the cost of constructing the Adult Day Care Centre at Royal Park;*

5. *INVITES the Board of Leederville Gardens Inc. to consider Administration's recommendation for its reimbursement and subsequent transfer to Trust of \$212,591 plus interest, transferred from the Seniors Reserve in 2002/03, 2007/08 and 2008/09 for works undertaken at Leederville Gardens Village and NOTES that a further report will be presented to Council once a decision is received from the Board;*
6. *NOTES that Administration intends to prepare a Draft Policy for discussion with Council Members to establish a framework for the disposition of surplus funds received from Leederville Gardens Inc. and held on Trust, to worthy and eligible organisations active in the City of Vincent, in accordance with the provisions of the Constitution; and*
7. *REAFFIRMS its commitment to the stewardship of the Association as outlined in the Leederville Gardens Inc. Constitution.*

DETAILS:

The City has been contemplating appropriate mechanisms and a framework for the distribution of the trust funds to worthy and eligible Public Benevolent Institutions (PBIs) active in the City of Vincent, within the provisions of the applicable Constitution.

The current COVID-19 pandemic has raised the potential of imminent hardship being experienced by many of our more disadvantaged and at-risk community members. This may place extra strain on the services and programmes currently provided by various not-for-profit, charitable or volunteer organisations and exacerbate areas of underserved demand. Whilst it is understood that both levels of government will be initiating economic stimulus packages, these are likely to be targeted to support jobs and provide a direct stimulus to low income households.

Under the current pandemic conditions it is likely that some seniors, the disabled and homeless will experience social isolation and a potential disruption of services. Whilst local governments can support services in these areas, it is likely the City's revenue forecasts will be impacted as a direct consequence of the effects of the virus, therefore placing increased pressure on costs. This is likely to limit the capacity for the City to allocate additional municipal funding in the short term, however the funds held in trust would enable additional services to be delivered specifically directed to provide benevolent relief from the effects of COVID-19 within our community.

Whilst further work is required to identify how best to distribute the funds received under the amended constitutions, the funds received under the 1991 constitution, together with accumulated interest are less restricted and capable of being considered in this context. Under the terms of the trust, the City can only distribute the funds to an organisation that is registered as a Public Benevolent Institution (PBI). The City is not a PBI and therefore cannot be a recipient of the funds and is unable to distribute the funds directly to individuals.

A PBI is one of the categories or subtypes of charity that can be registered with the Australian Charities and Not-for-profits Commission (ACNC). It is a type of charitable institution with a main purpose of providing benevolent relief to people in need. The term 'Public Benevolent Institution' does not have a technical legal meaning, however guidance is available through the ACNC (see **Attachment 1**).

The City could distribute funds to one or more nominated PBIs to directly or through partnerships deliver support services and programs to provide relief to individuals within the City of Vincent. This would involve calling for expressions of interest from registered PBI's and perhaps an outline of how they could deliver these additional services, within the constraints of increasing rules around social isolation (see **Attachment 2**).

CONSULTATION/ADVERTISING:

In order to identify appropriate PBI's, the City will publicly call for expressions of interest from registered PBI's capable of delivering this service. A draft proposed EOI document is at **Attachment 2**.

Once PBI's have expressed an interest, they will be invited to a (electronic conference) briefing to clarify any concerns or questions in respect to the funding constraints, priority relief outcomes and discuss the City's potential collaboration options.

LEGAL/POLICY:

The City's trustee role has been established through the Leederville Gardens Inc. constitution. It is unique and somewhat outside the normal provisions of the *Local Government Act 1995* and related legislation.

RISK MANAGEMENT IMPLICATIONS:

Low

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Connected Community

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The Trust funds are not included in the City's Budget as they are held on trust and not available for the City's use.

Due to operational and asset management requirements, it is not expected that the Association will be in a position to generate and transfer 'surplus' funds to the City in the medium term. In view of this, it is important to ensure that maximum benefit is achieved from the existing funds.

PUBLIC BENEVOLENT INSTITUTIONS AND THE ACNC

A public benevolent institution (PBI) is one of the categories or 'subtypes' of charity that can register with the Australian Charities and Not-for-profits Commission (ACNC). Public benevolent institutions can apply for charity tax concessions and may be eligible to be endorsed as deductible gift recipients (DGRs) by the Australian Tax Office (ATO).



If you want your organisation to be endorsed as a DGR under the public benevolent institution category, your charity must first be registered as a charity with the subtype of 'public benevolent institution' with the ACNC and satisfy other requirements of the ATO.

This factsheet explains what a public benevolent institution is. It sets out the key characteristics, but your organisation may have other characteristics that may still make it a public benevolent institution. Some of the words used may seem old-fashioned, but they are still used in charity law, which has developed over hundreds of years. We have tried to explain them.

In this factsheet

What is a public benevolent institution?

A public benevolent institution is a type of charitable institution whose main purpose is to relieve poverty or distress.

Public benevolent institutions are recognised by the ACNC and ATO as a subtype of charity.

Is my charity a public benevolent institution?

Your charity may be a public benevolent institution if it:

- meets the [legal meaning of charity](#).
- is an **institution** that has **benevolent relief as its main purpose**, and that relief is **provided to people in need**.

What is an institution?

An institution is an establishment, organisation or association, that exists to promote some object, especially objects of public utility, or religious, charitable or educational objects.

To be an institution your charity must not be merely a fund. It must do more than just distribute funds to other organisations or individuals, or simply make property available for others (as a fund may do). It must have its own activities, engage others to undertake activities on its behalf or be part of a relationship of collaboration (such as being part of a structure of organisations) that is organised and conducted for or promotes benevolent relief (see below).

Your charity may need to have a separately identifiable structure to be an institution, but it does not need to have a particular legal structure to fit the definition. However, its size and permanence are also relevant to whether your charity is an institution.

What is a 'main purpose of benevolent relief'?

Benevolent relief includes working for the relief of poverty or distress (such as sickness, disability, destitution, suffering, misfortune or helplessness).

The degree (level) of distress is also important and your charity only meets the definition if its purposes try to meet a need that is:

- significant enough (and the circumstances difficult enough) to arouse compassion in people in the community
- beyond the suffering experienced as part of ordinary daily life, and
- concrete enough – aimed at helping people who are recognisably in need of benevolence (see below).

The purpose does not have to be to relieve financial hardship or need caused by poverty, but can relieve other needs. For example, a charity that provides counselling services to people traumatised by a natural disaster, or one that provides education and activities to disadvantaged young people to help them gain skills in life may be a public benevolent institution.

As long as a charity's **main** purpose is benevolent, it can also have other non-benevolent purposes that are incidental.

Does my charity have to provide benevolent relief directly?

Your charity does **not** have to provide material help directly to those in need. Public benevolent institutions can engage others to undertake activities on its behalf or be part of a relationship of collaboration (such as within a structure of related organisations with shared objects) that is organised, conducted for or promotes benevolent relief.

For example, your charity may still be a public benevolent institution even if its principal (main) activity is raising funds that are used to provide benevolent relief, rather than directly providing the relief itself. On the other hand, if your charity is a fund that provides monies to different charities from time to time and some of these charities happen to have purposes of providing benevolent relief, this is unlikely to be sufficient.

To show that your charity is still a public benevolent institution if it does not directly provide the material help, you need evidence that the activities your charity does undertake are still organised and conducted for the purpose of relieving the poverty or distress of people in need. For example, you may provide details how your charity's funds are directly channelled to programs that provide benevolent relief, through a collaborative arrangement with another organisation that delivers those programs. Your charity may also provide other support in collaboration within a network of organisations that all share a purpose of relieving poverty or distress, such as sharing strategic planning, administrative or professional services support.

Who does my charity have to provide benevolent relief to?

The relief provided must only be for people. Your charity must also show that it works for a section of the community that clearly needs help, in other words 'people in need'. General or abstract purposes such as benefiting the whole community is not enough.

An example may be a charity that provides assistance to homeless people within a certain community. If it can show that the community it works for is in need of assistance, it can be a public benevolent institution.

Examples of public benevolent institutions

Examples of charities who may be public benevolent institutions include those that:

<https://www.acnc.gov.au/tools/factsheets/public-benevolent-institutions-and-acnc>

2/3

11/28/2019

Public benevolent institutions and the ACNC | Australian Charities and Not-for-profits Commission

- directly provide relief to people in need, such as:
 - some hospitals and hospices
 - some disability support services
 - some aged care services, or
 - providers of low rental or subsidised housing, for people in need
 - directly engage others to provide relief to people in need, such as a charity that promotes benevolent relief by entering into contracts with service providers to deliver that relief in different areas, or
 - provide relief within a relationship of collaboration, such as a charity that raises funds in order to channel these funds to specific programs that provide benevolent relief, through a collaborative arrangement with another organisation that delivers those programs.
-



CITY OF VINCENT

Leederville Gardens Trust

COVID-19 RELIEF FUNDS

EXPRESSION OF INTEREST

The City of Vincent, as trustee for the Leederville Gardens trust funds, is seeking proposals from Public Benevolent Institutions (PBIs) to provide relief to vulnerable residents experiencing hardship due to COVID-19.

Up to \$1 million will be available in the first round of grants. Further grant rounds may be considered.

Expressions of Interest (EOI) must be from registered Public Benevolent Institutions (PBIs) active within the City of Vincent.

COVID-19 will have a major impact on the most vulnerable members of our community – particularly seniors. The funds will be drawn from the Leederville Gardens Trust of which the City is the Trustee. The City will

prefer proposals providing support for:

- Seniors
- Disability support
- Mental health
- Homelessness

These funds are being made available:

- to assist in the relief of people in need as a direct or indirect consequence of the conditions imposed by Covid-19
- for the provision of relief and support of residents (including

homeless residents) within the municipality of Vincent

- for services that can be delivered in compliance with the social distancing rules applicable at the time of delivery
- for prompt delivery recognising the rapidly escalating impact of the pandemic and controls on individuals

Visit www.vincent.wa.gov.au/EOI for more information and to submit your Expression of Interest.

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Background to the Trust

In 1991 the City of Perth promoted the formation of an Association to develop and manage a retirement complex on land in Leederville, which was to be made available by the City and ownership transferred free of charge to the Association. That Association became the Leederville Gardens Inc. and the complex the Leederville Gardens Retirement Village. The project was benevolent in nature, with the original constitution providing that any surplus funds above a defined base were to be transferred to the City to be held on trust for distribution to Public Benevolent Institutions within the municipality.

Public Benevolent Institutions (PBI)

A PBI is one of the categories or subtypes of charity that can be registered with the Australian Charities and Not-for-profits Commission (ACNC). It is a type of charitable institution with a main purpose of providing benevolent relief to people in need.

Examples of charities that may be a PBI include those that:

- directly provide relief to people in need, such as:
 - some hospitals and hospices
 - some disability support services

- some aged care services, or
- providers of low rental or subsidised housing, for people in need
- directly engage others to provide relief to people in need, such as a charity that promotes benevolent relief by entering into contracts with service providers to deliver that relief in different areas, or
- provide relief within a relationship of collaboration, such as a charity that raises funds in order to channel these funds to specific programs that provide benevolent relief, through a collaborative arrangement with another organisation that delivers those programs
- Details of assessed community need.
- An outline of what service provision is proposed.
- Demonstration of the PBI's experience and capacity to deliver the service either directly or indirectly – including proposed service partners.

Proposals will be assessed against the following criteria:

1. **Community Interest:**
The proposal has community and other benefits over and above the direct support provided to individuals.
2. **Value for money:** The proposal represents value for money and provides the maximum amount of support to City of Vincent residents.
3. **Feasible and capable of being delivered quickly to provide immediate relief:** The proposal is feasible (including financially) and the proponent has the financial and technical capacity, capability and experience to deliver the outcome successfully and quickly in response to impacts of COVID-19.
4. **Risk:** Any financial or reputational risks to the City from the proposal are acceptable and there is an appropriate allocation of risk between the proponent and the City.

Visit vincent.wa.gov.au/EOI for more information and to submit your Expression of Interest.

Distribution of Funds

The City can only distribute funds to PBIs, so only those submissions received from Institutions registered by the ACNC as a charity under the subtype Public Benevolent Institution will be assessed.

Expressions of Interest can be submitted electronically and must be received by 15 April 2020. Proponents should provide the following information in support of their EOI:

- Confirmation of registration as a PBI with the Australian Charities and Not-for-profit Commission.
- Details of services previously provided within the City of Vincent boundary.

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8 CLOSURE