



CITY OF VINCENT

MINUTES

Special Council Meeting

30 March 2020

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**MINUTES OF CITY OF VINCENT
SPECIAL COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON MONDAY, 30 MARCH 2020 AT 6.00PM**

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Dan Loden Cr Joshua Topelberg Cr Sally Smith Cr Ashley Wallace	Presiding Member South Ward North Ward North Ward South Ward North Ward South Ward North Ward South Ward
IN ATTENDANCE:	David MacLennan Andrew Murphy John Corbellini Virginia Miltrup Meluka Bancroft John Paton Wendy Barnard	Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Strategy & Development Executive Director Community & Business Services Executive Manager Corporate Strategy & Governance Strategic Advisor Council Liaison Officer

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole, declared the meeting open at 6.13pm and read the following Acknowledgement of Country statement:

“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

The following questions and statements were submitted prior to the Meeting and were read out by the Chief Executive Officer. Administrations' responses will be provided in the Agenda for the 7 April 2020 Ordinary Council Meeting.

3.1 Dudley Maier

Item 6.1 - COVID-19 Urgent Relief Measures

1. Clause 1: Attachment 1 point 3: The 'Relief Measure' refers to the waiving of interest on outstanding rates but the 'Comment' states 'immediately applies a waiver on outstanding rates from 23 March'. Should this be 'immediately applies a waiver on the interest on outstanding rates' or 'immediately defers collection of outstanding rates'?
2. Will the waiving of interest on outstanding rates be extended to 2020-21 rates?

3. Clause 2: In her letter, the Minister states “*Specifically, I would encourage all local governments to fast-track the assessment of development applications for non-controversial development*” (Attachment 2). Why is the City simply removing the need to get approval rather than actually fast-tracking the assessment process as is done by other local governments such as the City of Perth?
4. Why aren't the delegations referred to in Clause 3 of the recommendation time-limited in a similar manner to the changes proposed in Clause 2 of the recommendation?
5. Given that waiving of interest on outstanding rates has budget implications, why isn't there wording in the recommendation indicating that the council approves the change by an absolute majority as there is for Clause 3 of the same recommendation?

Item 6.2 - Arts Relief Funding

6. Why doesn't Clause 5 of the recommendation clearly state that the funds will only be available to ‘*City of Vincent artists and creatives*’ as is indicated under the ‘Background’ section and reiterated in ‘Details’ section of the report?
7. Can you confirm that the funds will only be made available to artists/creatives living in the City of Vincent?
8. Why doesn't the Arts Relief Working Group contain any community members with expertise in the field such as members of the former Arts Advisory Group?

Item 7.2 – COVID-19 Relief and Recovery Committee

9. Why aren't the delegations in Clause 5 by an absolute majority as required by Section 5.16 of the Act?
10. Given that the terms of reference state that members of the public are required to submit any questions for COVID-19 Relief Committee meetings at least 3 hours before a meeting, when will agendas for the committee meeting be made public so that community members have sufficient time to read the agenda and submit questions?
11. Will members of the public be able to make statements, as opposed to asking questions, about items on the committee agenda? If so, what is the mechanism?
12. Given that the published meeting schedule for the committee shows 8 of the 13 committee meetings coinciding with dates for council meetings, briefings or workshops; and given that all meetings will be conducted electronically; and given that most council members are likely to be confined to home, why isn't the city simply scheduling special council meetings at which all community representatives (i.e. council members) can participate and at which some decisions can be made straight away without needing to come back to a council meeting?

Item 7.3 - Leederville Gardens Trust COVID-19 Relief Funding

13. Given that the Rules of Association for Leederville Gardens stipulates that the trust money can only be disbursed to public benevolent institutions which are located in the city why does the EOI simply state that they must be ‘active’ in the city?
14. Will projects be limited to those where 100% of the funds are spent in the City?
15. Was the Board of the Leederville Gardens given the courtesy of being informed of the intention to use the trust money in the proposed manner?

Public Question Time closed at approximately 6.20pm.

4 DECLARATIONS OF INTEREST

Nil

ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

This Special Council Meeting was called to discuss the City's response to COVID-19, during an unprecedented time in our country's history. It has been the toughest few weeks in the City's history, with changes on a daily basis and businesses closing every day. There is incredible financial pain in our community. The City is working to understand all the issues and trying to deal with them as quickly as possible as we move forward.

The City of Vincent has had to close Beatty Park, which has been hard on the staff and the community. The Library has also closed, but the staff are finding ways to do their work remotely. These measures are necessary to save lives and flatten the curve. The way people are rising to the challenge in such a short period of time has been incredible. The City has been working through a range of measures and this meeting is about focussing those efforts and putting them into a plan that everybody is working to.

The initial focus has been putting in place the changing health directives. The Manager Built Environment and Wellbeing has done an outstanding job in this space, offering a cool head and wise counsel in this time. The Executive Manager Information and Communication Technology and his team have been critical in the successful move of the organisation to remote working.

The City is reprioritising services and updating the budget to be able to deal with the most vulnerable in our community. A Committee of three members is required to ensure that fast decisions can be made, with backup members in case of illness. Regular Council meetings will continue for the duration, and the plan will be regularly reviewed as we move through COVID-19. An urgent review of the City of Vincent budget is being undertaken, concentrating on staffing impacts, reviewing discretionary expenditure and unlocking specific trusts to use in this time of need.

We are facing this together. Although the City is working remotely it is still working for the community. It is critical that the City's governance is transparent and that the community remains involved in decision making.

5 INFRASTRUCTURE AND ENVIRONMENT**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.

COUNCIL DECISION ITEM 5.1

Moved: Cr Gontaszewski, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

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. 16.1.1 (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 16.1.1 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.

COUNCIL DECISION ITEM 6.1

Moved: Cr Fotakis, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

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** three Elected Members - Cr Fotakis, Cr Smith and Cr Wallace, to the Arts Relief Working Group for a six month term commencing 1 April 2020 and expiring 30 September 2020.
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 Hallett, Cr Castle and Cr Loden.
4. **APPOINTS** Cr Fotakis 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.

COUNCIL DECISION ITEM 6.2**Moved:** Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

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.

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the recommendation be adopted.

AMENDMENT

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be amended as follows:

That Council:

Instructs the Chief Executive Officer to formulate a budget and financial strategy assuming a 0% rate increase and 0% increase in fees and charges for the 2020/21 financial year.

REASON:

In an effort to respond to and reduce the public health impacts of COVID-19, a Public Health Emergency and State of Emergency has been declared in Western Australia. As a result of fast-moving physical distancing measures, many of our local businesses have closed or reduced services, community members are experiencing changing work conditions and this may lead to financial stress through underemployment or unemployment, and the City of Vincent's budget is being significantly impacted by decreasing in revenue and reprioritisation of services. Whilst the full impacts are yet to be known, it is important that the City of Vincent demonstrate that all steps are being taken to relieve financial pressure on households and local businesses. Freezing any increase in rates, fees and charges in 2020/21, combined with a raft of other measures in the COVID-19 Relief and Recovery Strategy and Implementation Plan, is an important measure and commitment to our community at this time.

AMENDMENT CARRIED (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 7.1

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.**
- 3. INSTRUCTS the Chief Executive Officer to formulate a budget and financial strategy assuming a 0% rate increase and 0% increase in fees and charges for the 2020/21 financial year.**

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

7.2 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 Gontaszewski
 3. Cr Castle
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 Topelberg
 2. Cr Smith
 3. Cr Hallett
 4. Cr Wallace
 5. Cr Loden
 6. Cr Fotakis
5. In accordance with sections 5.16 and 5.17 of the *Local Government Act 1995*, **DELEGATES BY ABSOLUTE MAJORITY** 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.

COUNCIL DECISION ITEM 7.2

Moved: Cr Topelberg, **Seconded:** Cr Gontaszewski



That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

7.3 \$1 MILLION LEEDERVILLE GARDENS TRUST COVID-19 RELIEF FUNDING

- 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.

COUNCIL DECISION ITEM 7.3

Moved: Cr Topelberg, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace

Against: Nil

8 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.26pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Sally Smith	North Ward
	Cr Ashley Wallace	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	John Corbellini	Executive Director Strategy & Development
	Virginia Miltrup	Executive Director Community & Business Services
	Meluka Bancroft	Executive Manager Corporate Strategy & Governance
	John Paton	Strategic Advisor
	Wendy Barnard	Council Liaison Officer

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 30 March 2020.

Signed: Mayor Emma Cole

Dated