



Town of Cottesloe

I hereby certify that the minutes of the Special Council meeting held
on

Tuesday, 17 March 2020

were confirmed as a true and accurate record by Council resolution.

Signed:

A handwritten signature in black ink, appearing to be 'J. King', written over a faint, larger signature.

Presiding Member

Date: 24/3/2020

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING

MINUTES

SPECIAL COUNCIL MEETING
HELD IN THE
Council Chambers, Cottesloe Civic Centre
109 Broome Street, Cottesloe
6:00pm Tuesday, 17 March 2020

NEIL HARTLEY
Acting Chief Executive Officer

18 March 2020

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Agenda and minutes are available on the Town's website www.cottesloe.wa.gov.au

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:00pm.

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Mayor announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

4 PUBLIC QUESTION TIME**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Nil

6 ATTENDANCE**Elected Members**

Mayor Philip Angers
Cr Lorraine Young
Cr Caroline Harben
Cr Helen Sadler
Cr Craig Masarei
Cr Melissa Harkins
Cr Michael Tucak
Cr Kirsty Barrett

Officers

Mr Neil Hartley	Acting Chief Executive Officer
Mr Shane Collie	Manager Corporate Services and Governance
Ms Freya Ayliffe	Manager of Compliance and Regulatory Services
Mr Shaun Kan	Manager Engineering Services
Mr Wayne Richards	Finance Manager
Mr Ed Drewett	Coordinator Statutory Planning
Ms Mary-Ann Winnett	Governance Coordinator

6.1 APOLOGIES

Cr Paul MacFarlane

Officers Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Nil

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Tucak declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "Some of the Directors of Sculpture by the Sea are known to me."

8 PRESENTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9 REPORTS**9.1 REPORTS OF OFFICERS****ADMINISTRATION****9.1.1 COVID-19 VIRUS RESPONSE**

File Ref: SUB/2798
Attachments: Nil
Responsible Officer: Neil Hartley, Acting Chief Executive Officer
Author: Shane Collie, Manager Corporate Services and Governance
Author Disclosure of Interest: Nil

SUMMARY

The COVID-19 Virus is starting to have a significant impact on Australia, and will in the very near future start to directly impact the Town of Cottesloe and its operations and services. Dealing with the impacts of the virus will it is expected, require timely actions and responses, with little or no available time to engage with Council through a formal Council Meeting.

The purpose of this report is to provide the Chief Executive Officer with Delegated Authority to take actions as required in respect of responding to and preparing for the escalating risk and threat of the COVID-19 Virus.

BACKGROUND

The COVID-19 Virus which started in China, has been gradually impacting other countries of the world and is now starting to have a significant impact on Australia. The Australian and Western Australian Governments are enacting their planning for health emergencies and business continuation. Regular media and other stakeholder contact reports are being received from the State Government in particular, and the risk and the state/federal government actions are progressively elevating.

Elected members would therefore be well aware of the current escalating threat and spread of the COVID-19 Virus. It is highly likely that within the coming weeks direct action will need to be taken in responding to and preparing for a heightened threat from the Virus. The Town needs to be prepared as best as possible for this eventuality.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 1: Protecting and enhancing the wellbeing of residents and visitors

This report is consistent with the Town's *Corporate Business Plan 2017 – 2021*.

POLICY IMPLICATIONS

There are no perceived Policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT*Local Government Act 1995*

Section 5.42 refers to delegation of some powers and duties to CEO, where a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties.

Section 6.8 (b) and (c) provide for expenditure not contained within the Town's budget to be incurred in an emergency by authorisation of Council or the Mayor.

FINANCIAL IMPLICATIONS

Resource requirements are likely to be in accordance with the existing budgetary allocations or Section 6.8 of the *Local Government Act 1995* may apply.

STAFFING IMPLICATIONS

There will inevitably be staffing implications arising from this matter, in particular the health and welfare of staff.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

WA Local Government Association,
Department of Health.

OFFICER COMMENT

The situation with the COVID-19 Virus is changing daily with the Federal Government now directing that there be no gatherings of more than 500 people. Clearly this has impacts for major events, travel and transport arrangements, and the economy as a whole. As a local government the Town is also impacted though the extent of the impact is not yet evident.

Examples of where the Town may be impacted include but are not limited to the following:

- Pre-booked events including payments made;
- Staff and Councillor attendance at events/meetings;
- Day to day services provided by the Town which would be impacted if the office was closed due to the spread of the virus;
- Access to halls, beaches and sporting facilities provided by the Town.

An acknowledgement of the need to respond immediately to matters such as these listed and others not yet considered is the purpose of this report. Notwithstanding the emergency expenditure provisions contained in the *Local Government Act 1995* the Town, through the Mayor and Chief Executive Officer are more likely than not going to be placed in a position where quick and decisive action is required.

It is recommended that Council put in place a temporary Delegation that permits action to be taken on matters associated with the COVID-19 Virus by the Chief Executive Officer (in consultation with the Mayor where practical).

It is expected to in the very near future, its impact will directly affect the Town of Cottesloe and its operations and services. Dealing with those impacts will, it is expected, require timely responses/actions, with little or no available time to engage with Council through a formal Council Meeting.

It is recommended that the delegation be provided as it will enable any required direct action needed to be promptly taken, maximising the speed at which Town can protect itself and its community.

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

THAT Council by absolute majority delegate to the Chief Executive Officer the authority to undertake any lawful decision on behalf of the Town of Cottesloe relating to an action or response to the COVID-19 Virus, subject to the following conditions -

1. Compliance with Council's Policies where practical;
2. Decisions to be in consultation with Mayor where practical;
3. Decisions taken under this Delegation are to be reported to the next available meeting of Council, and
4. That this Delegation remains in place for a defined period of six months commencing on 24 March 2020, and concluding on 23 September 2020 (or such later/earlier date as decided by Council).

COUNCILLOR MOTION

Moved Cr Young

Seconded Cr Barrett

THAT Council by absolute majority delegate to the Chief Executive Officer the authority to undertake any lawful decision on behalf of the Town of Cottesloe relating to an action or response to the COVID-19 Virus, subject to the following conditions -

1. Compliance with Council's Policies where practical;
2. Decisions to be in consultation with Mayor where practical;
3. The CEO shall provide Elected Members with timely advice as to the Town's response to the COVID-19 virus threat and decisions taken under this Delegation are to be reported to the next available meeting of Council, and
4. That this Delegation remains in place for a defined period of six months commencing on 24 March 2020, and concluding on 23 September 2020 (or such later/earlier date as decided by Council).

COUNCILLOR AMENDMENT**Moved Cr Tucak****Seconded Cr Barrett**

5. That any material impact on operations or financial position be brought to Council via a Special Council Meeting, or otherwise subject to call in by Council prior to the delegation being exercised.

Lost 1/7**For: Cr Tucak****Against: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Harkins and Barrett****COUNCILLOR AMENDMENT****Moved Cr Tucak****Seconded Cr Young**

In the second line of the opening paragraph, where it states 'relating to an action', insert the words 'urgent or emergency' between the words 'an' and 'action'.

Carried 6/2**For: Mayor Angers, Crs Young, Harben, Harkins, Tucak and Barrett****Against: Crs Sadler and Masarei****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council by absolute majority delegate to the Chief Executive Officer the authority to undertake any lawful decision on behalf of the Town of Cottesloe relating to an urgent or emergency action or response to the COVID-19 Virus, subject to the following conditions -

1. **Compliance with Council's Policies where practical;**
2. **Decisions to be in consultation with Mayor where practical;**
3. **The CEO shall provide Elected Members with timely advice as to the Town's response to the COVID-19 virus threat and decisions taken under this Delegation are to be reported to the next available meeting of Council, and**
4. **That this Delegation remains in place for a defined period of six months commencing on 24 March 2020, and concluding on 23 September 2020 (or such later/earlier date as decided by Council).**

Carried by Absolute Majority 8/0**COUNCILLOR RATIONALE:**

1. Point 3 modified to ensure that Elected Members are kept abreast of the Town's response in a fast changing situation.
2. To provide a clear boundary around what the delegations are for by adding the words 'urgent or emergency' in the opening paragraph.

10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**11.1 ELECTED MEMBERS****11.2 OFFICERS****12 MEETING CLOSED TO PUBLIC****12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED****MOTION FOR BEHIND CLOSED DOORS****Moved Mayor Angers Seconded Cr Young****That, in accordance with Standing Orders 15.10, Council discuss the confidential reports behind closed doors.****Carried 6/2****For: Mayor Angers, Crs Young, Harben, Sadler, Masarei and Barrett****Against: Crs Harkins and Tucak***The media were requested to leave the meeting at 6:30pm.***12.1.1 SCULPTURE BY THE SEA - COVID-19 VIRUS**

This item is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (c), (d) and (e(ii)) as it contains information relating to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to a person.

File Ref: SUB/2792**Attachments: Nil****Responsible Officer: Neil Hartley, Acting Chief Executive Officer****Author: Neil Hartley, Acting Chief Executive Officer****Author Disclosure of Interest: Nil**

Cr Tucak declared an IMPARTIALITY INTEREST in item 12.1.1 by virtue "Some of the Directors of Sculpture by the Sea are known to me."

COUNCILLOR MOTION**Moved Cr Young****Seconded Mayor Angers**

THAT Council:

1. REQUESTS Sculpture by the Sea to assist the Town in its efforts to play a responsible role in reducing the chance that residents and visitors to Cottesloe will become infected with the COVID-19 virus, thus minimising the speed of the spread of COVID-19 as much as possible;
2. REQUESTS Sculpture by the Sea to immediately put in place control mechanisms to accommodate the WA Department of Health's advice to ensure that *"this event can ensure that no more than 500 people are present at the event at any given time"*; and
3. REQUESTS Sculpture by the Sea to give consideration of cancelling the remainder of the 2020 event should it not be able to provide a safe event environment for attendees in accordance with advice from the State and Federal Health Departments.

COUNCILLOR AMENDMENT**Moved Cr Sadler****Seconded Cr Harben****Add point 4 to include the officer's comment as rationale.****Carried 8/0****SUBSTANTIVE MOTION AND COUNCIL RESOLUTION**

THAT Council:

1. REQUESTS Sculpture by the Sea to assist the Town in its efforts to play a responsible role in reducing the chance that residents and visitors to Cottesloe will become infected with the COVID-19 virus, thus minimising the speed of the spread of COVID-19 as much as possible;
2. REQUESTS Sculpture by the Sea to immediately put in place control mechanisms to accommodate the WA Department of Health's advice to ensure that *"this event can ensure that no more than 500 people are present at the event at any given time"*; and
3. REQUESTS Sculpture by the Sea to give consideration of cancelling the remainder of the 2020 event should it not be able to provide a safe event environment for attendees in accordance with advice from the State and Federal Health Departments.

4. COUNCILLOR RATIONALE:

The situation with the COVID-19 Virus is changing daily with the Federal and State Governments strongly discouraging non-essential gatherings of more than 500 people in an effort to slow the progress of infection by the virus. That said, the State Government's Health Department has issued a statement that the SxS event is low risk due to its location and cancellation is at the discretion of the organisers. This could be seen to be in direct contradiction to the advice of the Federal Government, but it is true to say that many people are still and will no doubt continue to be active in public spaces, like shopping centres, beaches, and public places generally. Also,

community infection rates are low presently, with most cases within WA occurring from overseas travel.

The Town of Cottesloe has an overall legislative responsibility to provide for the *“good government of persons in its district”* (Local Government Act) and the community will be expecting it to show responsible leadership throughout this challenging period, which is likely to prevail for at least several more months as a vaccination for COVID-19 is not expected to be available for at least 18 months, more likely longer. There will inevitably be a great many people affected by COVID-19 over that period, and some of those will unfortunately not survive the experience. Some of those may be local residents who might have come into contact with the virus, possibly even as a result of a visitor attending a local shop or eating place during their visit at the SxS event.

The CEO’s strong recommendation is that Council take on board the advice of the health/medical profession, and do everything it reasonably can to encourage the reduction of risk occurring at the SxS event. Such an action will play a meaningful role in assisting with reducing the number of people becoming infected with the COVID-19 virus, and therefore assist the state’s hospitals and medical profession to service those people who succumb to infection.

Carried 7/1

For: Mayor Angers, Crs Young, Harben, Sadler, Masarei, Tucak and Barrett

Against: Cr Harkins

COUNCILLOR RATIONALE:

Point 3 modified as it is appropriate for the Town to be specific in the criteria for a “safe event environment” and the Departments of Health at State and Federal level have the required expertise to determine that criteria.

MOTION FOR RETURN FROM BEHIND CLOSED DOORS

Moved Cr Sadler

Seconded Cr Masarei

In accordance with Standing Orders 15.10 that the meeting be re-opened to members of the public and media.

Carried 8/0

The media returned to the meeting at 6:46pm.

12.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

12.1.1 SCULPTURE BY THE SEA - COVID-19 VIRUS

The resolution for item 12.1.1 was provided on screen for the media.

13 MEETING CLOSURE

The Mayor announced the closure of the meeting at 6:47pm.