

DELEGATIONS AND AUTHORISATIONS TO BE ENACTED DURING THE COVID-19 PANDEMIC

Due to the State of Emergency and Public Health Emergency declared in Western Australia in relation to the COVID-19 Pandemic Council has provided the following authorisations and delegations of authority to the Chief Executive Officer to ensure that the City of Wanneroo can adequately manage its operations during the COVID-19 Pandemic for the next 120 days.

Adopted by Council on 7 April 2020 - Council Resolution No: CE01-04-20

Moved Cr Roberts, seconded Cr Cvitan.

That Council:

- 1. NOTES that a State Emergency and a Public Health Emergency has been declared in Western Australia in relation to the COVID-19 Pandemic and it is imperative for Council to provide the required authorisation and delegations of authority to the Chief Executive Officer to ensure that the City of Wanneroo can adequately manage its operations during the COVID-19 Pandemic for the next 120 days;
- 2. NOTES that in accordance with Regulations 14D(2) and (3) of the Local Government (Administration) Regulations 1996, the Mayor, in consultation with the Chief Executive Officer, has determined that Ordinary Council Meetings, Special Council Meetings and Audit and Risk Committee Meetings be conducted via electronic means for a period of 120 days commencing from 27 March 2020;
- 3. NOTES that Council will receive and consider only those matters that legislatively require a Council decision and which cannot be delegated to the Chief Executive Officer in accordance with section 5.43 of the Local Government Act 1995;
- 4. For a period of 120 days commencing from 12pm on the day immediately after the date this resolution is made, ADOPTS BY ABSOLUTE MAJORITY the marked-up amendments to the delegation of authorities as follows:
 - a) Delegation 1.1.24 Fees and Charges amend condition (b) to increase the Chief Executive Officer's limit to \$20,000 as set out in Attachment 1;
 - b) Delegation 2.10.3 Development Control amendments as set out in Attachment 2 and NOTE that the Chief Executive Officer's conditions on subdelegation will be amended so that any application that would ordinarily be determined by Council would be determined by the Director Planning and Sustainability, if the Manager Approval Services considers objections raised relevant planning considerations that cannot be overcome through modification to the proposal or by conditions being imposed and remove the condition that provides the applicant with the ability to request their application be determined by Council; and
 - c) Delegation 1.1.14 Choice of Most Advantageous Tender and Delegation 1.1.16 Selecting the Next Most Advantageous as set out in Attachment 3;

- 5. Unless expressed otherwise, for a period of 120 days commencing from 12pm on the day immediately after the date this resolution is made, AUTHORISES the Chief Executive Officer to:
 - a) Subject to Regulation 11 of the Local Government (Functions and General) Regulations 1996, consider and renew all agreements that are due to expire within 90 days following the 7 April 2020 Ordinary Council Meeting;
 - b) Determine all applications received in respect of the City's Donations, Sponsorship and the Waivers of Fees and Charges Policy and NOTES that Administration will review the policy and present a report to Council to include policy clauses that will provide a more flexible assessment of the policy criteria during the COVID-19 Pandemic;
 - c) Receive, note, forward all petitions to the relevant Directorate and determine the appropriate action in respect of the petition request;
 - d) Make any and all changes to services (including ceasing or providing new services) and service level as deemed necessary by the Chief Executive Officer; and
 - e) If necessary, make an application to the Department of Local Government, Sport and Cultural Industries for the Minister of Local Government, Heritage, Culture and the Arts' to approve a reduction of the number of Council offices required to achieve a quorum to convene an Ordinary Council Meeting or Special Council Meeting;
- 6. ACKNOWLEGES that the CHIEF EXECUTIVE OFFICER AUTHORISES the:
 - a) Director Corporate Strategy and Performance to determine all applications received in respect of the City's Donations, Sponsorship and the Waivers of Fees and Charges Policy; and
 - b) Director Corporate Strategy and Performance, Chief Operating Officer and Manager Finance to determine all requests in respect of the City's Financial Hardship – Collection of Rates and Service Charges Policy;
- 7. ACCEPTS that:
 - a) The 3 Year Internal Audit Plan in respect of 2020 will be suspended for the duration of 2020 with no new planned internal audits to be undertaken until 1 January 2021 however the Audit Log will continue to be managed and reported to the Audit and Risk Committee noting that some of the audit recommendations may require further extensions of time to complete;
 - b) The Community Development Funding and Community Event Funding Applications received in accordance with the City's Community Funding Policy will be deferred and determined by Council in August 2020;
 - c) Consideration of proposals received from the community and/or stakeholders in respect of projects, services or of any nature related to the City will be deferred for a period of 90 days or further period as approved by Council; and

- d) Except where required by legislation, community consultation and engagement will not occur for an initial period of 90 days commencing from 12pm on the day immediately after the date this resolution is made subject to Council approving any extensions;
- 8. NOTES that:
 - a) The City will comply with advice and directions of the Commonwealth and State Government, and the Department of Health WA in relation to the City's compliance function and the City will seek to achieve compliance where it is in the public interest to do so, and consider the most appropriate enforcement action considering the public interest and any risk to public safety; and
 - b) The City's debt collection processes in relation to new debts owed to the City are suspended during the COVID-19 Pandemic however current matters before the Magistrates Court are subject to court scheduling and processes; and
- 9. NOTES that all decisions made in accordance with resolutions 4 to 8 above, as applicable will be:
 - a) Formally reported to Council at the August Ordinary Council Meeting unless otherwise resolved by Council; and
 - b) Notified to Council Members on a fortnightly basis through the Council Members' portal; and
- 10. APPROVES the development of the 2020/2021 Annual Budget based on:
 - a) 0% increase on annual rates for each property (subject to no change in valuations);
 - b) 0% increase on City's set fees and charges including Waste Service Fee noting State Government set the statutory fees;
 - c) Late payment interest moratorium for six months from 1 July to December 31 2020 with a review at this time;
 - d) A reduction in the instalment interest rate and late payment interest rate for the balance of the financial year post the decision in resolution 10 (c) above;
 - e) The Financial Hardship Collection of Rates and Service Charges Policy usage will be monitored and if necessary modified; and
 - f) A business hardship policy be considered for development.
- 11. NOTES that all special arrangement fees for new rate payment arrangements will be waived for a period commencing from 23 March 2020 and concluding 120 days from 12pm on the day immediately after the date this resolution is made.

CARRIED BY ABSOLUTE MAJORITY

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1. AMENDED DELEGATIONS

1.1 CHOICE OF MOST ADVANTAGEOUS TENDER – DEL. NO: 1.1.14

Function Delegated: This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].	 To consider the most advantageous tender to accept by means of a written evaluation of the extent of which each tender satisfies the criteria and has not been rejected in accordance with Regulations 18(1), 18(2) or 18(3) of the Local Government (Function and General) Regulations 1996. To decline to accept any tender. 		
Statutory Power being Delegated:	Local Government (Function and r18(4), (4a) & (5) Rejecting and		
Power is originally assigned to:	Local Government		
Statutory Power of Delegation	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO		
Power Delegated to:	Chief Executive Officer.		
Council's Conditions on Delegation:	Delegation 1. subject to a provision in the adopted Annual Budget		
Statutory Power to Sub- Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees		
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	All Directors (execution of contractual documents only)		
CEO's Conditions on Sub-delegation:	Once the tender has been accepted by the CEO the CEO or any Director may execute the contractual documents relating to the acceptance of the tender.		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Acceptance must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996.		
Compliance Links	Delegation 4.5.4 – Execution of D		
Financial Interest Returns Required - Yes Delegation Administration:			
Decision Reference	Decision Reference	Decision Reference	
1. CE04-12/16 2. 16/421025 3. 17/335505 4. CE01-06/18	6. 7. 8. 9.	11. 12. 13. 14.	

1.2 SELECTING THE NEXT MOST ADVANTAGEOUS TENDER – DEL NO: 1.1.16

Function Delegated: This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].	If the successful tenderer is unwilling or unable to accept the contract with the variation or the local government and the tenderer cannot reach agreement, select the next most advantageous tenderer.		
Statutory Power being Delegated:	Local Government (Function and General) Regulations 1996 r20(2) Variation of requirements before entry into contract		
Power is originally assigned to:	Local Government		
Statutory Power of Delegation	Local Government Act 1995: s.5.42 Delegation of some pov s.5.43 Limitations on delegation		
Power Delegated to:	Chief Executive Officer		
Council's Conditions on Delegation:	 Subject to:- Regulation 20(2) of the Loc General) Regulations 1996; a A provision in the adopted Ar 		
Statutory Power to Sub- Delegate:	Local Government Act 1995: s.5.44 CEO may delegate som employees	ne powers and duties to other	
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	Nil		
CEO's Conditions on Sub-delegation:	Nil		
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Acceptance must be recorded in Tender Register as required be Government (Functions and Generations)	by regulation 17 of the Local	
Compliance Links	Financial Interest Returns Requir		
	Delegation Administration:		
Decision Reference 1. CE06-05/17 2. CE01-06/18 3. 4.	Control Contro	Decision Reference 11. 12. 13. 14.	

1.3 WAIVER, GRANT OF CONCESSION OR WRITE OFF OF MONIES OWING – DEL NO: 1.1.24

Function Delegated: This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].	 The waiver or grant of concessions in relation to any amount of money that it is owed to the City (but specifically excludes rates and service charges); or The write off of any amount of money that it is owed to the City. Note that: section 1 applies to fees and charges as they are incurred; and section 2 applies to debts owed to the City. 	
Statutory Power being Delegated:	Local Government Act 1995 Section 6.12(1) (b) & (c) Power to defer, grant discounts, waive or write off debts	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Local Government Act 1995: Section 5.42 – Delegation of some power or duties to the CEO Section 5.43 – Limitations on delegation to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	 Subject to: a) Section 6.12(2) of the Act which states that Section 6.12 (1) (b) "waive or grant concessions" does not apply to an amount of money owing in respect of rates and service charges; and b) the waiver, concession or write off of money owing not exceeding \$20,000. All waivers, concessions or write offs of money owing greater than \$5001 to be reported to the Audit and Risk Committee; and c) Council's Accounting Policy. 	
Statutory Power to Sub- Delegate:	Local Government Act 1995 S5.44 CEO may delegate powers and duties to other employees	
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	Director Corporate Strategy & Performance	
CEO's Conditions on Sub-delegation:	Subject to the same conditions on delegation to the CEO except to a maximum of \$10,000.	
Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations	The full details of the waiver, concession or write off to be recorded on the appropriate financial record.	

in relation to the exercise of the power or the discharge of the duty."		
Compliance Links	Financial Interest Returns Requir	red - Yes
	Delegation Administration:	
Decision Reference	Decision Reference	Decision Reference
1. 17/46347	6.	11.
2. CE01-06/18	7.	12.
3. 19/470186	8.	13.
4.	9.	14.

1.4 DEVELOPMENT CONTROL - DEL NO: 2.10.3

Function Delegated: This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below]. Statutory Power being Delegated:	 Determination of applications for planning approval (including the exercise of discretion under District Planning Scheme No. 2 and the Residential Design Codes); and All matters which arise out of the imposition of conditions on planning approvals under the District Planning Scheme No. 2; The power to determine applications for planning approvals lodged pursuant to Clause 60 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) and Clause 28 of the Metropolitan Region Scheme including all applicable decisions under the District Planning Scheme. 	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Planning and Development (Local Planning Schemes) Regulations 2015 (the deemed provisions) Clause 82	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	 Council and Business Practice Condition a) Any application will be referred to Council for determination if an Elected Member requests such referral by a written request to the Manager Approval Services; b) Any application for an Industry – Extractive, Industry – General, Industry – Hazardous, or Concrete Batching Plant, may be determined under delegation. c) To determine a development application subject to a section 31 reconsideration Order issued by the State Administrative Tribunal. 	
Statutory Power to Sub- Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Clause 83	
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	Director Planning & Sustainability Manager Approval Services Coordinator Planning Services Coordinator Building Services Specialist Planner – Approval Services Specialist Project Planner Senior Planners Senior Building Surveyors	
CEO's Conditions on Sub-delegation:	The exercise of this delegated authority is conditional on the following:	

a) Any application will be referred to Council for determination if an Elected Member requests such referral by a written request to the Manager Approval Services; b) Any application for determination by the City that has been advertised for public comment shall be referred to the Director Planning & Sustainability for determination if any objection has been received that, in the opinion of the Manager Approval Services, raises relevant planning considerations that cannot be specifically addressed or overcome by: modification of the proposal; imposition of appropriate conditions of approval; or compliance with the applicable deemed-to-comply provisions and/or design principles of the R-Codes. c) Any application for an Industry – Hazardous or Concrete Batching Plant, may be determined by the Director Planning & Sustainability or Manager Approval Services. Any application for Industry - Extractive may be determined by Director Planning & Sustainability, Manager Approval Services, Specialist Planner – Approval Services or Specialist Project Planner. Any application for Industry - General may be determined by Director Planning & Sustainability, Manager Approval Services or Senior Planners. d) Determination of a development application subject to a section 31 reconsideration Order issued by the State Administrative Tribunal shall be determined by the Director Planning & Sustainability or the Manager Approval Services. This delegated authority is limited for the Coordinator Building Services and Senior Building Surveyors as follows: a) To only make decisions related to applications seeking variation/s to the deemed-to-comply requirements of the R-Codes or provisions of a relevant structure plan or local development plan for a Single House located in a Residential Zone or any of the following on the same lot as a Single House: outbuildings, garages or carports; i) ii) patios or verandas; iii) street walls or fences; and iv) retaining walls, and b) Providing that the application for development (outlined in point a) above) is not located in a place that is:-Entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or Included on a heritage list prepared in accordance with **DPS 2**: Within an area designated under DPS 2 as a heritage area; or The subject of a heritage agreement entered into under the Heritage of Western Australia Act section 29;

Record Keeping Statement (LGA 1995) s5.46(3) " A person to whom a power or duty is delegated	Copies of approvals given and reports of actions taken are to be retained on the appropriate file or record.		
under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	Financia	al Interest Returns Requir	red - No
Compliance Links	Financia	al Interest Returns Requi	red - No
	[Delegation Administration	
Decision Reference		Decision Reference	Decision Reference
1. CB01-11/14 and OC01-11/14	6.	CE06-05/17	11. 19/104903
2. PS11-10/15	7.	CE01-06/18	12.
3. 16/436067	8.	18/203840	13.
4. CE03-03/17 & 17/73467	9.	18/455559	14.

2. AUTHORISATIONS

2.1 MEETINGS CONDUCTED VIA ELECTRONIC MEANS

Function Authorised	Ordinary Council Meetings, Special Council Meetings and Audit and Risk Committee Meetings will be conducted via electronic means for a period of 120 days commencing from 27 March 2020
Authorised Person:	Mayor and Chief Executive Officer
Council Conditions on Authorisation:	Appropriate procedures to be in place to accept and respond to questions from the public.
Legislation or Policy	Regulations 14D(2) and (3) of the Local Government (Administration) Regulations 1996
CEO's Conditions on Authorisation	Nil

2.2 RENEWAL OF AGREEMENTS

Function Authorised	Consider and renew all agreements that are due to expire within 90 days following the 7 April 2020 Ordinary Council Meeting
Authorised Person:	Chief Executive Officer
Council Conditions on Authorisation:	Subject to Reg. 11 of the Local Government (Functions and General) Regulations 1996
Legislation or Policy	Regulation 11 of the Local Government (Functions and General) Regulations 1996
CEO's Conditions on Authorisation	Nil

2.3 RENT ABATEMENTS

Function Authorised	For a period of 90 days from 12pm on 8 April 2020 consider and approve (or reject) abatements of lease fees (including rent) to lessees of City premises, on terms approved by the Chief Executive Officer subject to the lessees satisfying the applicable criteria.	
Authorised Person:	Chief Executive Officer	
Council Conditions on Authorisation:	 Subject to evidence being provided under some or all of the following criteria: Reduction in turnover, demonstrated by comparison of the three months before March 2020 and the subsequent period; Closure or significant reduction in operations or services (such as reducing to takeaway service or being unable to 	

	 meet clients), and the anticipated impact on turnover (if not yet evident in the lessee's accounts); Whether the lessee has continuity of existing funding, such as via commonwealth or state government grant funding; Eligibility for government assistance (state or commonwealth) (and description and status of assistance); and When the lessee considers that the impact of the COVID-19 Pandemic on its business at the City's leased premises first occurred. 	
Legislation or Policy	There is no statutory restriction on the City granting rent abatement to its lessees, provided that the abatement is approved or authorised by Council.	
Reporting	 All decisions made in accordance with this authorisation will be: a) Formally reported to Council at the Ordinary Council Meeting in August, unless otherwise resolved by Council; and b) Notified to Council Members on a monthly basis through the Council Members' portal. 	

2.4 DONATIONS, SPONSORSHIP AND THE WAIVERS OF FEES AND CHARGES

Function Authorised	For a period of 120 days commencing from 12pm on 8 April 2020 determine all applications received in respect of the City's Donations, Sponsorship and the Waivers of Fees and Charges Policy
Authorised Person:	Chief Executive Officer
Council Conditions on Authorisation:	Subject to the criteria within the Donations, Sponsorship and the Waivers of Fees and Charges Policy
Legislation or Policy	Donations, Sponsorship and the Waivers of Fees and Charges Policy
CEO Authorises	Director Corporate Strategy and Performance
CEO's Conditions on	Administration will review the Donations, Sponsorship and the
Authorisation	Waivers of Fees and Charges Policy and present a report to
	Council to include policy clauses that will provide a more flexible assessment of the policy criteria during the COVID-19 Pandemic

2.5 PETITIONS

Function Authorised	For a period of 120 days commencing from 12pm on 8 April 2020 receive, note, forward all petitions to the relevant Directorate and determine the appropriate action in respect of the petition request.
Authorised Person:	Chief Executive Officer
Council Conditions on Authorisation:	Nil
Legislation/Policy/ Procedure	Management of Petitions Procedure
CEO's Conditions on Authorisation	Relevant Director to investigate and report to the CEO recommendations to determine the appropriate action in respect of the petition request.

2.6 CHANGES TO CITY SERVICES

Function Authorised	For a period of 120 days commencing from 12pm on 8 April 2020 make any and all changes to services (including ceasing or providing new services) and service level as deemed necessary by the Chief Executive Officer;
Authorised Person:	Chief Executive Officer
Council Conditions on Authorisation:	Nil
Legislation or Policy	Policy
CEO's Conditions on Authorisation	Nil

2.7 FINANCIAL HARDSHIP – COLLECTION OF RATES AND SERVICE CHARGES

Function Authorised	For a period of 120 days commencing from 12pm on 8 April 2020 determine all requests in respect of the City's Financial Hardship – Collection of Rates and Service Charges Policy
Authorised Person:	Chief Executive Officer
Council Conditions on Authorisation:	Nil
Legislation or Policy	Policy
CEO Authorises:	Director Corporate Strategy and Performance Chief Operating Officer Manager Finance
CEO's Conditions on Authorisation	