



## SPECIAL MEETING OF COUNCIL AGENDA – 6 AUGUST 2018 WEST WIMMERA SHIRE COUNCIL

**TO BE HELD:** Monday 6 August 2018

**LOCATION:** Edenhope Council Chamber

**COMMENCEMENT:** 3.00pm

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REQUIRED TO ATTEND:	
Councillors	Senior Management Group
Jodie Pretlove, Mayor	David Leahy
Trevor Domaschenz	Chief Executive Officer
Richard Hicks	Ashley Roberts
Tom Houlihan	Director Corporate & Community Services
Bruce Meyer	Mark Marziale
	Director Infrastructure Development & Works

*Members of the Gallery are advised that the following Local Law applies to this meeting:*

*West Wimmera Shire Council Local Law No.7, 2017*

*42. Gallery to be silent*

- (1) Any member of the public asking a question of the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates*
  - (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.*
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### ***Vision Statement:***

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious,  
prosperous and self-sustaining, with regional and global connectivity*



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## SPECIAL MEETING OF COUNCIL AGENDA – 6 AUGUST 2018 WEST WIMMERA SHIRE COUNCIL

### 1.0 WELCOME

### 2.0 OPENING PRAYER

Almighty God, we humbly ask your blessing upon this Council. Guide and prosper our decisions to the advancement of Your Glory and the true welfare of the people of West Wimmera Shire.

### 3.0 APOLOGIES AND LEAVE OF ABSENCE

### 4.0 DECLARATION OF CONFLICT OF INTEREST

*All councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 1989 with regard Conflict of Interest disclosures. The Conflict of Interest – A Guide for Councillors (October 2012) has been made available to all Councillors in hard copy form and is available via docs on tap.*



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### **5.0 INSTRUMENT OF DELEGATION FOR AUTHORISED OFFICERS**

**FILE NUMBER: AD0183**

**REPORT AUTHOR: DAVID LEAHY – CEO**

#### **FOR DECISION**

##### Introduction

Due to the dissolving of the business that was providing Building Surveyor services to West Wimmera Shire, interim arrangements were required to be negotiated at very short notice.

The following report and attachment provides an instrument of delegation to enable Mr Terry Baker to fulfil the role of Municipal Building Surveyor and provide approvals accordingly.

##### Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

##### Background

West Wimmera Shire Council has participated in a shared service project to investigate the possibility of sharing the Building Surveyor services across the Wimmera and Southern Grampians.

A tender was advertised and the submissions received are being assessed and advice has been sought on the proposals.

To enable the thorough assessment and investigation to be undertaken, West Wimmera sought an extension of what were the contract arrangements with the long term contractor (MBS).

Correspondence received on 25 June 2018, indicated a willingness for the existing contract conditions to continue and the service be provided until 30 September.

On Thursday 19 July 2018, West Wimmera received notice that the business (MBS) would be dissolved at close of business Friday 27 July. This meant the contract that was operating would cease to exist and therefore the staff were required to seek competitive quotes for the service to be undertaken in some form.



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Quotes were sought from the known service providers and at the close of business Friday 27 July, only one quote was received. Council staff were therefore required to accept this quote to ensure interim services could be provided re: Building Surveying.

As of Monday 30 July, West Wimmera has engaged the services of Gov Shared Services to provide Municipal Building Surveyor services.

This report and associated attachment is provided to enable Council to formally endorse the instrument of delegation to Mr Terry Ken Baker as the Municipal Building Surveyor. The delegation will take effect as soon as the documents are signed and sealed.

In addition to the delegation to the Municipal Building Surveyor, other officers with authorised officer status have been included in the instrument of delegation to ensure that the delegations are up to date.

Other officers include Environmental Health, Fire Prevention Officer, Emergency Management Officers and the Director of Corporate and Community Services to facilitate the Fire Services Levy.

As with all delegations, the template provided by Maddocks has been used in developing the instrument of delegation.

### Risk Management Implications

Council is required to delegate responsibilities under the Building Code and regulations 1993 to a “Natural Person”. Failure to do so would eliminate the ability to provide approvals.

### Legislative Implications

Council is required under the BCA to appoint a Municipal Building Surveyor

### Environmental Implications

Nil.

### Financial and Budgetary Implications

The interim arrangements will cost approximately \$2,500 per week for a qualified Municipal Building Surveyor on site 3 days per week and access via phone and email for 2 days per week.



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### Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Asset Management Policy  
Building Fee Refunds Policy  
Building Permit Information Policy  
Business Assistance Scheme Policy  
Business Continuity Policy  
Customer Service Policy  
Township Amenity Policy

### Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.

### Communication Implications

Email communications have been provided to staff to alert them to the change in personnel and more extensive communications will be required once a new contract is negotiated as it will be a significantly different service that will be provided.

### Conclusion

Ideally Council staff would have preferred more time to investigate the options available to it for Municipal Building Services, but the service level that has been achieved will serve the municipality well.

The provision of the instrument of delegation document has also enabled the appropriate authorised officer delegations to be provided to a number of officers.

Following this delegation, correspondence will be provided to Mr Baker outlining the delegation and the time frame that it will be provided in.



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### **OFFICER RECOMMENDATION:**

That in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), West Wimmera Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument and the name(s) listed be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately the Common Seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. That Mr Terry Ken Baker be provided delegated authority to act as the Municipal Building Surveyor of West Wimmera Shire Council.
4. The instrument be signed and sealed.

### **Attachments:**

No.	Name	RecFind Ref
5.1	S-11 Instrument of Delegation	18/002644

**MEETING CONCLUDED:**