



Shire of **Ngaanyatjaraku**
ON A JOURNEY

Minutes of Ordinary Council Meeting
Held at Warburton
31st March 2015 at 1pm

SHIRE OF NGAANYATJARRAKU
ORDINARY COUNCIL MEETING
31 March 2015

A G E N D A

1. **PRESENT**
2. **APOLOGIES**
3. **LEAVE OF ABSENCE**
4. **DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS**
5. **QUESTION TIME**
6. **PRESENTATIONS / PETITIONS / DEPUTATIONS**
7. **CONFIRMATION OF MINUTES**
Ordinary Council Meeting 28th January 2015
8. **REPORTS BY THE CHIEF EXECUTIVE OFFICER**
Report No. 005-15 Accounts paid & payable
Report No. 006-15 Financial Statements for the periods ended 31st January & 28th February 2015
Report No. 007-15 Council Investments as at 26th March 2015
Report No. 008-15 Compliance Audit Return 2014
Report No. 009-15 Delegations – Building Act 2011 & Building Regulations 2012

MATTERS FOR THE INFORMATION OF MEMBERS

CLOSURE OF MEETING BY SHIRE PRESIDENT



**MINUTES OF ORDINARY COUNCIL MEETING
HELD ON 31st MARCH 2015 AT 1:00PM (WST)
IN THE SHIRE OF NGAANYATJARRAKU MEETING ROOM**

Shire President Cr J.D. McLean welcomed all present and declared the meeting open at 1:04pm.

PRESENT Cr. J.D. McLean (President)
Cr. B. Thomas (Deputy President)
Cr. P. Thomas
Cr. C.F. Twine
Cr. L. West
Cr. A. Jones
Cr. J. Frazer

Mr. Chris Paget - Chief Executive Officer

APOLOGIES

Cr. A. Bates

LEAVE OF ABSENCE

Cr. J. Frazer

QUESTION TIME

No questions

DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS

Nil

CONFIRMATION OF MINUTES

Ordinary Council meeting 28th January 2015

MOVED Cr. B. Thomas, seconded Cr. P. Thomas, that the minutes of the Ordinary Council meeting held on 28th January 2015 be confirmed as a true and accurate record of the proceedings of that meeting.

CARRIED 7/0

REPORT NO: 005-15 TO: ORDINARY COUNCIL MEETING 31st MARCH 2015
SUBJECT: ACCOUNTS PAID AND PAYABLE

AUTHORITY: FINANCIAL MANAGEMENT REGULATIONS 12 & 13

In accordance with Financial Management Regulations 12 & 13, a list of all accounts paid or payable shall be presented to Council (Refer to Accounts for Payment attached).

Council is requested to confirm the payment of accounts listed in the Accounts for Payment. (See attachments)

RECOMMENDATION

That Council payment of accounts amounting to \$253,349.77 for period ending 31st January 2015 and \$420,127.88 for period ending 28th February 2015 be received and noted.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. Jones, seconded Cr. West, that the recommendation contained within report 005-15 be adopted.

#005-15

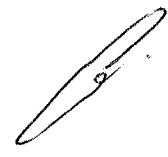
RESOLUTION

That Council payment of accounts amounting to \$253,349.77 for period ending 31st January 2015 and \$420,127.88 for period ending 28th February 2015 be received and noted.

CARRIED 7/0

SHIRE OF NGAANYATJARRAKU WARRANT LISTING - JANUARY 2015

Creditor Number	Payee	Cheque No	Date	Details	Amount
559.01	WESTNET PTY LTD	30115	3/01/2015	MONTHLY ADSL AC CHARGES-SHIRE OF NG JAN-FEB 2	\$ 314.85
50.01	TELSTRA CORPORATION LTD	220115	22/01/2015	PHONE & DATA CHARGES - DEC 2014	\$ 1,825.52
559.01	WESTNET PTY LTD	270115	27/01/2015	MONTHLY ADSL ACCOUNT CHARGES-SHIRE OF NG TO M	\$ 114.90
19.01	DEPT OF TRANSPORT	300079	23/01/2015	FLEET BULK LICENSING AMENDMENT FOR 1ELK198	\$ 127.80
45.01	SHIRE OF NGAANYATJARRAKU	300080	30/01/2015	REIMBURSE PETTY CASH-PURCHASE OF ARTS & CRAFT	\$ 1,540.00
54.01	WA SUPER	501735	7/01/2015	SUPER CONTRIBUTIONS - 02311214-1	\$ 17,746.37
300.01	AMP RETIREMENT SAVINGS AC	501736	7/01/2015	SUPER CONTRIBUTIONS - 02031214-19	\$ 955.89
1034.01	AUSTRALIAN SUPER	501737	7/01/2015	SUPER CONTRIBUTIONS - 02311214-34	\$ 828.24
1085.01	LUCRF SUPER	501738	7/01/2015	SUPER CONTRIBUTIONS - 02311214-35	\$ 71.39
54.01	WA SUPER	501739	30/01/2015	SUPER CONTRIBUTIONS - 02140115-1	\$ 9,756.30
300.01	AMP RETIREMENT SAVINGS AC	501740	30/01/2015	SUPER CONTRIBUTIONS - 02280115-19	\$ 656.26
740.01	HOST PLUS	501741	30/01/2015	SUPER CONTRIBUTIONS - 02280115-26	\$ 170.00
1034.01	AUSTRALIAN SUPER	501742	30/01/2015	SUPER CONTRIBUTIONS - 02280115-34	\$ 370.76
1085.01	LUCRF SUPER	501743	30/01/2015	SUPER CONTRIBUTIONS - 02140115-35	\$ 471.87
1087.01	HENAN CENTRE'S ALLIANCE M	501744	29/01/2015	Rates Refund	\$ 84.25
1088.01	STUART RESOURCES (WA) PT	501745	29/01/2015	Rates Refund	\$ 33.25



361.01	PIVOTEL SATELLITE PTY LTD	512015	5/01/2015	SATELLITE TELEPHONE CHARGES DEC 2014	\$ 365.00
50.01	TELSTRA CORPORATION LTD	5012015	5/01/2015	TELSTRA SATELLITE MOBILE CHARGES	\$ 177.88
50.01	TELSTRA CORPORATION LTD	27012015	27/01/2015	TELSTRA SATELLITE MOBILE CHARGES	\$ 190.00
89100073.01	ATO MAIL PAYMENTS	1385.8910073-01	13/01/2015	2015 Payroll Deduction	\$ 11,737.00
15.01	WESTPAC BANK	1386.15-01	2/01/2015	TRANSACT & INTERNET ONLINE BANGKING TRAN	\$ 24.50
1050.01	CARDINAL CONTRACTORS PTY	1387.1050-01	5/01/2015	GRADER HIRE - GT CENTRAL ROAD F&I WORKS	\$ 24,684.00
15.01	WESTPAC BANK	1388.15-01	5/01/2015	CREDIT CARD TRANS - CEO C PAGET	\$ 2,681.77
368.01	DEPT FOR PLANNING & INFRA	1389.368-01	27/01/2015	DOT AGENCY TRANSACTIONS 133044-133047	\$ 2,672.90
100.01	WANARN STORE	1390.100-01	27/01/2015	DIESEL FOR SHIRE WANARN YOUTH VEHICLE	\$ 232.00
1050.01	CARDINAL CONTRACTORS PTY	1390.1050-01	27/01/2015	GRADER HIRE - GT CENTRAL ROAD F&I WORKS	\$ 28,798.00
147.01	AUSTRALIA POST	1390.147-01	27/01/2015	AUSTRALIA POST MAIL CHARGES + SUPPLIES	\$ 442.10
17.01	CITY OF CANNING	1390.17-01	27/01/2015	ACCOUNTNG, ENV HEALTH & BLDG REGULATORY S	\$ 27,431.99
221.01	WESTERN AUSTRALIAN LOCAL	1390.221-01	27/01/2015	YOUTH SPORT & REC OFFICER ADVERTISING	\$ 883.14
37.01	NATS	1390.37-01	27/01/2015	3 BUNDLES STEEL DROPPERS FOR ROADWORKS	\$ 6,694.78
40.01	NGAANYATJARRA SERVICES (A	1390.40-01	27/01/2015	RENTAL OF STAFF HOUSE LOT 154 WARBURTON	\$ 3,897.14
419.01	COMFORT INN MIDAS	1390.419-01	27/01/2015	ACCOM & MEALS CHARGES EHO PHIL SWAIN	\$ 169.00
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Creditor Number	Payee	Cheque No	Date	Details	Amount
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53.01	LANDGATE	1390.53-01	27/01/2015	SUPPLY OF MINING TENEMENT SCHEDULE	\$ 153.30



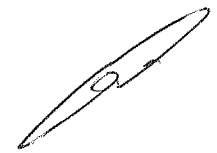
538.01	PERFECT COMPUTER SOLUTION	1390.538-01	27/01/2015	REPAIRS & MAINTENANCE TO SHIRE IT NETWORK	\$ 637.50
57.01	WARAKURNA ROADHOUSE	1390.57-01	27/01/2015	ACCOM & MEAL FOR EHO PHIL SWAIN	\$ 2,152.47
59.01	WARBURTON ROADHOUSE	1390.59-01	27/01/2015	DIESEL FUEL FOR CR P THOMAS' VEHICLE	\$ 8,937.34
60.01	WARBURTON STORE	1390.60-01	27/01/2015	HINGES FOR GATES AT REOURCE CENTRE	\$ 667.80
61.01	WARRUNYINNA STORE	1390.61-01	27/01/2015	SUPPLIES FOR JAMESON PLAYGROUP - DEC 201	\$ 144.00
72.01	BLACKSTONE ENTERPRISES (S	1390.72-01	27/01/2015	SUPPLIES FOR BLACKSTONE YOUTH PROGRAM	\$ 1,118.16
726.01	DIPLOMAT MOTEL	1390.726-01	27/01/2015	ACCOM+MEALS YSRO WAYNE WARDEN 22 JAN	\$ 162.50
902.01	Mr G R HANDY	1390.902-01	27/01/2015	REIMB OF EXPENSES	\$ 1,228.41
941.01	NGAANYATJARRA COUNCIL REG	1390.941-01	27/01/2015	REPAIRS TO STAFF UNIT LOT 255 REAR (BREA	\$ 2,402.01
95.01	WARAKURNA STORE	1390.95-01	27/01/2015	SUPPLIES FOR WARAKURNA PLAYGROUP - DEC 2	\$ 27.00
357.01	COMMONWEALTH BANK OF AUST	50115	5/01/2015	PAYMENT FOR CBA MERCHANT & POS FEES	\$ 44.50
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 14	\$ 42,994.91
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 15	\$ 46,531.02
TOTAL					\$253,349.77

SHIRE OF NGAANYATJARRAKU WARRANT LISTING - FEBRUARY 2015

Creditor Number	Payee	Cheque No	Date	Details	Amount
357.01	COMMONWEALTH BANK OF AUST	30215	3/02/2015	CBA MERCHANT & POS FEES	\$ 48.03



50.01	TELSTRA CORPORATION LTD	60215	6/02/2015	PHONE & DATA CHARGES - JANUARY 2015	\$ 1,449.77
559.01	WESTNET PTY LTD	250215	25/02/2015	MONTHLY ADSL A/C CHARGES-SHIRE OF NG FEB-MAR	\$ 124.90
361.01	PIVOTEL SATELLITE PTY LTD	280215	28/02/2015	PIVOTEL SATPHONE CHARGES - FEB 2015	\$ 365.00
361.01	PIVOTEL SATELLITE PTY LTD	6022015	6/02/2015	SATELLITE TELEPHONE CHARGES - JAN 2015	\$ 365.00
50.01	TELSTRA CORPORATION LTD	25022015	25/02/2015	TELSTRA SATELLITE MOBILE CHARGES	\$ 175.00
89100073.01	ATO MAIL PAYMENTS	1391.89100073-01	16/02/2015	BAS PAYMENT - JANUARY 2015	\$ 11,008.00
15.01	WESTPAC BANK	1392.15-01	2/02/2015	TRANSACT & INTERNET ONLINE BANKING TRANS	\$ 14.75
15.01	WESTPAC BANK	1393.15-01	3/02/2015	CREDIT CARD TRANS - CEO C PAGET	\$ 1,348.96
368.01	DEPT FOR PLANNING & INFRA	1394.368-01	6/02/2015	DOT AGENCY TRANSACTIONS 133048-133051	\$ 3,005.50
1050.01	CARDINAL CONTRACTORS PTY	1395.1050-01	11/02/2015	GRADER HIRE - GT CENTRAL ROAD F&I WORKS	\$ 57,596.00
1062.01	Miss L MENZIES	1395.1062-01	11/02/2015	REIMBURSE RELOCATION EXPENSES	\$ 270.50
268.01	INDERVON PTY LTD	1395.268-01	11/02/2015	DIESEL YOUTH SVC MNGR PRADO 1EBO496	\$ 340.41
37.01	NATS	1395.37-01	11/02/2015	2 X CLOTHESLINES FOR SHIRE STAFF HOUSING	\$ 1,849.13
53.01	LANDGATE	1395.53-01	11/02/2015	SUPPLY UPDATE MINING TENEMENTS SCHEDULE	\$ 131.40
538.01	PERFECT COMPUTER SOLUTION	1395.538-01	11/02/2015	SET UP SPORTS PC & NETWRK LINK-SHIRE OFF	\$ 170.00
57.01	WARAKURNA ROADHOUSE	1395.57-01	11/02/2015	DIESEL FUEL EHO PRADO 1DRS231	\$ 155.93
59.01	WARBURTON ROADHOUSE	1395.59-01	11/02/2015	DIESEL FUEL RUBBISH TRUCK 1EKT695	\$ 5,421.33
60.01	WARBURTON STORE	1395.60-01	11/02/2015	SUPPLIES FOR SWIM TEAM	\$ 1,298.39
61.01	WARRUNYINNA STORE	1395.61-01	11/02/2015	SUPPLIES FOR JAMESON PLAYGROUP - DEC	\$ 432.90



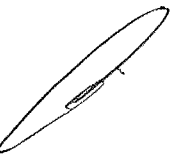
696.01	CHART AIR	1395.696-01	11/02/2015	AIRFARE KAL-WARB RETURN EHO PHIL SWAIN	\$ 1,025.00
72.01	BLACKSTONE ENTERPRISES (S	1395.72-01	11/02/2015	UTENSILS & EQUIPMENT FOR BLACKSTONE UNIT	\$ 191.85
778.01	CENTRALIAN MOTORS	1395.778-01	11/02/2015	SERVICE & REPAIRS TO PRADO 1EBO496	\$ 909.55
812.01	Mrs A L SHINKFIELD	1395.812-01	11/02/2015	REIMB OF EXPENSES	\$ 501.50
878.01	Mr M S MURRAY	1395.878-01	11/02/2015	REIMBURSE PURCHASES FOR BREAKFAST CLUB	\$ 257.96
941.01	NGAANYATJARRA COUNCIL REG	1395.941-01	11/02/2015	SUPPLY WALL SWIVEL OUTLET FOR LOT 158B	\$ 1,466.15
997.01	METEX NICKEL PTY LTD	1395.997-01	11/02/2015	CAMP ACCOM. EHO PAUL SWAIN 19TH JANUARY	\$ 165.00
1089.01	Miss R BRIERS	1396.1089	11/02/2015	REIMBURSE EXPENSES	\$ 434.33
860.01	INDIGENOUS HIP HOP PROJEC	1397.860-01	17/02/2015	1ST INSTALMENT-HIP HOP DANCE & MUSIC VID	\$ 21,780.00
1090.01	RAPTOR EMBROIDERY	1398.1090-01	17/02/2015	SAMPLES - YOUTH TEAM UNIFORM SHIRTS	\$ 197.00
217.01	KEY FACTORS PTY LTD (DESE	1399.217-01	25/02/2015	PLANT HIRE & CONSTRUCTION WORKS-WBR BLACK	\$ 117,399.70
1050.01	CARDINAL CONTRACTORS PTY	1400.1050-01	25/02/2015	GRADER HIRE - TJIRRKARLI ACCESS F&I WORK	\$ 28,798.00
368.01	DEPT FOR PLANNING & INFRA	1401.368-01	25/02/2015	DOT AGENCY TRANSACTIONS 133052-133058	\$ 1,401.55
Creditor Number	Payee	Cheque No	Date	Details	Amount
1023.01	NATIONAL SAFETY SOLUTIONS	1402.1023-01	28/02/2015	SUPPLY OF SAFETY GLASSES & GLOVE-DEPOT &	\$ 458.70
1050.01	CARDINAL CONTRACTORS PTY	1402.105-1	28/02/2015	GRADER HIRE - KANPA ACCESS F&I WORKS	\$ 28,798.00
1071.01	HARTOP PTY LTD	1402.1071-1	28/02/2015	TEMP REPAIRS TO WARAKURNA DEPOT	\$ 3,480.00
21.01	DR ROBERT M IRVING	1402.21-01	28/02/2015	VETERINARY SERVICES-NG LANDS COMMS VISIT	\$ 15,400.00
262.01	Mr C L PAGET	1402.262-01	28/02/2015	REIMB LEAVE A/FARES-PAGET FMLY AS PER EM	\$ 4,671.40

275.01	C-DIRECT PTY LTD PREPAID	1402.275-01	28/02/2015	SUPPLY TELSTRA PHONE CARDS FOR RESALE	\$ 1,735.60
334.01	STAPLES AUSTRALIA (PREV.	1402.334-01	28/02/2015	STATIONERY & SUPPLIES FOR PLAYGROUPS	\$ 1,588.78
37.01	NATS	1402.37-01	28/02/2015	6 TYRES FOR WARAKURNA RUBBISH TRUCK	\$ 3,098.11
40.01	NGAANYATJARRA SERVICES (A	1402.40-01	28/02/2015	RENTAL OF UNIT - WARAKURNA DEPOT FEB 201	\$ 3,520.00
419.01	COMFORT INN MIDAS	1402.419-01	28/02/2015	ACCOMODATION EHO PHIL SWAIN 17/02/15	\$ 145.00
61.01	WARRUNYINNA STORE	1402.61-01	28/02/2015	BATTERY FOR JAMESON DEPOT TRUCK	\$ 307.00
696.01	CHART AIR	1402.696-01	28/02/2015	A/FARE WARB-KAL YSRO ROCHELLE BRIERS 11T	\$ 350.00
72.01	BLACKSTONE ENTERPRISES (S	1402.72-01	28/02/2015	SUPPLIES FOR BLACKSTONE YOUTH PROGRAM	\$ 42.60
726.01	DIPLOMAT MOTEL	1402.726-01	28/02/2015	ACCOM+MEALS YSM TOM O'BRIEN 15-18 JAN'15	\$ 663.00
878.01	Mr M S MURRAY	1402.878-01	28/02/2015	REIMB PURCHASE-SILICAN SPRAY FOR GYM	\$ 79.98
941.01	NGAANYATJARRA COUNCIL REG	1402.941-01	28/02/2015	CHECK, TEST ELECTRICALS & REPAIR OVEN WI	\$ 1,001.55
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 16	\$ 47,464.57
	SHIRE OF NGAANYATJARRAKU		EFT	PAYROLL - PAY PERIOD 17	\$ 47,225.10
				TOTAL	\$420,127.88

REPORT NO: 006-15 TO: ORDINARY COUNCIL MEETING 31st MARCH 2015
SUBJECT: FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31st JANUARY & 28th FEBRUARY 2015

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8.
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each Statement of Financial Activity is to be accompanied by documents containing-
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a Statement of Financial Activity may be shown-
 - (a) according to nature and type classification;
 - (b) by program; or
 - (c) by business unit.
- (4) A Statement of Financial Activity and the accompanying documents referred to in subregulation (2), are to be



- (a) presented to the Council –
- (i) at the next ordinary meeting of the Council following the end of the month to which the Statement relates; or
 - (ii) if the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting;
- and
- (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.
- (6) In this regulation –
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
- “**restricted assets**” has the same meaning as in AAS 27.

STATUTORY ENVIRONMENT

Section 6.4 *Local Government Act* 1995 and Financial Management Regulation 34.

RECOMMENDATION

That the financial activity statements and reports for the periods ending 31st January and 28th February 2015 be received and confirmed.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. Twine, seconded Cr. Frazer, that the recommendation contained within report 006-15 be adopted.

#006-15

RESOLUTION

That the financial activity statements and reports for the periods ending 31st January and 28th February 2015 be received and confirmed.

CARRIED 7/0



REPORT NO: 007-15 TO: ORDINARY COUNCIL MEETING 31st MARCH 2015
SUBJECT: COUNCIL INVESTMENTS AS AT 26th MARCH 2015

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits
- Commercial Bills
- Government bonds
- Other Short-term authorised investments

Council funds are to be invested with the following financial institutions.

- Major banks
- Bonds Issued by Government and/ or Government Authorities.
-

COUNCIL INVESTMENTS AS AT 26 MARCH 2015

Institution	Amount Invested	Investment type	Assets Repl./Acq./Devp. Reserve Fund	Cultural Centre Reserve Fund	Municipal Account
Westpac Banking Corporation		Term deposit	\$779,957.22	\$65,884.30	
Westpac Banking Corporation		Operating a/c			\$1,976,669.25
TOTAL INVESTMENTS	\$2,822,510.77		\$779,957.22	\$65,884.30	\$1,976,669.25

RECOMMENDATION

That the report on Council investments as at 26th March 2015 be received and noted.

VOTING REQUIREMENTS

Simple majority

MOVED Cr. West, seconded Cr. B. Thomas, that the recommendation contained within report 007-15 be adopted.

#007-15

RESOLUTION

That the report on Council investments as at 26th March 2015 be received and noted.

CARRIED 7/0

REPORT NO: 008-15 TO: ORDINARY COUNCIL MEETING 31st MARCH 2015
SUBJECT: LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN FOR 2014

- Tabled:*
1. Completed 2014 Local Government Statutory Compliance Audit Return
 2. DLGC Circular No. 35-2014 '2014 Compliance Audit Return for Local Governments'

PURPOSE OF REPORT

The purpose of this report is to present to Council the Local Government Statutory Compliance Audit Return for 2014 for the Shire of Ngaanyatjarraku.

BACKGROUND

The Department of Local Government & Communities has issued Circular No. 35-2014, which requires each local government in Western Australia to carry out a Compliance Audit in relation to the period 1 January to 31 December 2014, against the requirements set out in the 2014 Compliance Audit Return ('CAR').

Section 7.13(1)(i) of the Local Government Act 1995 contains provisions for the making of regulations requiring local governments to carry out, in the manner and form prescribed, an audit of compliance, whether of a financial nature or not.

The Local Government (Audit) Regulations 1996, detail the following in relation to the CAR process:

Regulation 13 – Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

For the purposes of Section 7.13(1)(i), the statutory requirements set forth in the Table to this regulation are prescribed..

Regulation 14 – Compliance Audits by Local Governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and

- (c) recorded in the minutes of the meeting at which it is adopted.

Regulation 15 – Compliance audit return, certified copy of etc. to be given to Executive Director

1. After the Compliance Audit Return has been presented to the Council, in accordance with Regulation 14(3), a certified copy of the return, together with –

- (a) a copy of the relevant section of the minutes referred to in Regulation 14(3)(c); and
(b) any additional information explaining or qualifying the compliance audit;

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

2. In this Regulation –

“certified” in relation to a compliance audit return means signed by –

- (a) the Mayor or President; and
(b) the Chief Executive Officer.

COMMENT

The completed 2014 Compliance Audit Return document is summarised below by each category:

Section (a) Commercial Enterprises by Local Government

The 5 areas of compliance are not applicable to the Shire of Ngaanyatjarraku.

Section (b) Delegation of Power/Duty

All 13 areas of compliance were met.

Section (c) Disclosure of Interest

All 16 areas of compliance in this category were either met or deemed not applicable in the Shire’s circumstances.

Section (d) Disposal of Property

The 2 compliance areas in this section were not applicable to the Shire.

Section (e) Elections

The 1 area of compliance was not applicable, as listed in the CAR document.

Section (f) Finance

10 out of the 15 areas of compliance were met (or not applicable); the 5 areas of non-compliance relate to the finalization and completion of Council’s 2013-14 Audit and receipt of the associated Auditor’s report. Explanatory comments for this have been provided in the CAR by the CEO.

Section (g) Local Government Employees

The 5 areas of compliance in this category were deemed compliant or not applicable, as no significant changes were made to senior employee positions or personnel during the year.

Section (h) Official Conduct

The 6 areas of compliance were met or not applicable.

Section (i) Tenders for Providing Goods and Services

All of the 15 areas of compliance were not applicable to our circumstances as there were no tenders called or required in the 2014 reporting year.

Each Councillor has had the opportunity to review the CAR and to give this report due consideration at the Ordinary Council Meeting on Tuesday 31st March 2015. Upon its adoption by Council, this return will be submitted electronically online and in hard copy form (signed by both the President and CEO) to the Director General of the Department of Local Government & Communities as prescribed in the *Local Government Act*.

Financial Considerations

Nil

Legal Considerations

Nil

Consultation

Nil

Policy Implications

Nil

RECOMMENDATION

That Council adopts the Statutory Compliance Audit Return, to be submitted as the official Return of the Shire of Ngaanyatjarraku for the period 1 January to 31 December 2014.

VOTING REQUIREMENTS

Absolute majority required

MOVED Cr. Twine, seconded Cr. P. Thomas, that the recommendation contained within report 008-15 be adopted.

#008-15

RESOLUTION

That Council adopts the Statutory Compliance Audit Return, to be submitted as the official Return of the Shire of Ngaanyatjarraku for the period 1 January to 31 December 2014.

CARRIED BY AN ABSOLUTE MAJORITY 7/0

REPORT NO: 009-15 TO: ORDINARY COUNCIL MEETING 31ST MARCH 2015
SUBJECT: DELEGATIONS – BUILDING ACT 2011 & BUILDING REGULATIONS 2012

FILE:	Building Regulatory Services – Issue of Permits & Other Matters
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Philip Swain – Health Building Officer
REPORT DATE:	March 2015

PURPOSE OF REPORT

The purpose of this report is to amend the existing Shire delegations in relation to the issuing of Building Permits and related matters.

BACKGROUND

There have been significant legislative changes since adoption of the Building Regulations 2012 when the new building permit system was introduced in Western Australia. The Shire of Ngaanyatjarraku has for many years utilised the services of the City of Canning under contract to the Shire to provide Building Surveyor services. The legislative changes require that a local government employee, under delegated authority, issues building permits after the issue of Certificates of Design Compliance (CDC) issued by a building surveyor. Whilst Mr Paul Todd, as a qualified building surveyor, has been able to issue permits for the Shire other staff at the City of Canning have advised that they will not issue CDC's for the Shire and will only accept what are termed certified applications. This means that CDC's need to be issued by a Contractor for all applications, prior to the issuing of permits. This will result in substantially higher fees for local applicants for the more rudimentary structures constructed in the lands (carports and single dwellings). Furthermore the current contract with the City of Canning is due to expire on the 30 June and the Shire needs to retain the ability to issue permits itself irrespective of future contract negotiations or alternative service arrangements.

COMMENTS

Mr Paul Todd, as a qualified Building Surveyor, has provided the ability for the Shire to issue Building Permits. The Shire needs to establish suitable arrangements for the issuing of building permits and to ensure compliance with the Building Act and Regulations, given the impending end of the current contract with the City of Canning. Paul Todd will be able to undertake the necessary production of Certificates of Design Compliance, such that the CEO can issue Building Permits, however the existing (to July 2015) and future contractual arrangements are yet to be finalised.

By allowing delegation to the CEO other building matters can also be managed by the Shire as they arise, such as demolition permits. To establish these arrangements it is necessary that suitable delegations be adopted, in accordance with the Building Act 2011, the Building Regulations 2012 and the Local Government Act 1995.

It should be noted that an officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works. Where plans are approved a

Building Surveyor issues a Certificate of Design Compliance. This is the work currently undertaken by Mr Paul Todd, Building Surveyor. The actual issue of permits and some other matters are administrative functions, the delegation for which can be made to the CEO. The delegations made to the CEO will enable the existing contractual arrangements to continue until their finality, whilst enabling the Shire to issue Building Permits.

Statutory Environment

The Building Act 2011 and the Building Regulations 2012 control the issuing of building permits, the management of building activities, demolition permits and various activities including the management of incomplete and dilapidated buildings and the inspection of buildings, including swimming pools.

The Building Services (Registration) Regulations 2011 establish qualification requirements for those assessing plans (Building Surveyors). The Local Government Act 1995 establishes requirements for the delegation of responsibilities under the Act and related legislation for Local Government CEO's, including the capacity for on delegation by that individual. This ability for the CEO to on delegate to an employee is retained under the Building legislation in most circumstances and the CEO can determine to what extent the powers are delegated to another individual or a Building Surveyor. The Shire can establish delegations to enable the management of building issues irrespective of who issues the Certificate of Design Compliance.

Policy Implications

New Delegations to be established in accordance with the Building Act 2011 and the Local Government Act 1995

Financial Implications

Standard fees and charges apply to applications for building permits. The costs, borne predominantly by the Shire with respect to payment for Mt Todd's services will remain unchanged. The issuing of Certificates of Design Compliance and permits under the new legislation is more time consuming and hence a typical application will take 1.5 - 4 hours to complete whereas the previous legislation enabled issue within 1-3 hours depending upon the complexity of the project. Irrespective of this Paul Todd will continue to issue the CDC's for the Shire, pending negotiations around the current contract with the City of Canning.

Strategic Implications

Nil

Consultation

No specific consultation is required by the Shire in this instance. Discussions with Management at the City of Canning have confirmed that it is good practice for the delegations to be in place to the CEO of a local government to ensure that permit services can be maintained at any time.

RECOMMENDATION

That Council;

1. Approves the following delegations in accordance with the requirements of the Building Act 2011, the Building Regulations 2012 and the Local Government Act 1995;

- (i) The CEO or a person acting in the position of CEO from time to time is delegated the authority to appoint Authorised Persons for the purpose of the Building Act 2011 in relation to buildings or incidental structures, subject to the provisions of the Building Act 2011;
- (ii) The CEO or a person acting in the position of CEO from time to time is delegated the authority to appoint persons to issue Building Orders in relation to:
 - a. Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the Building Act;
 - b. Take specific action to prevent a contravention of the Act;
 - c. Finish an outward facing side of a wall;
 - d. Buildings which are considered as being unsafe or not fit for human habitation subject to the provisions of the Building Act 2011.
- (iii) The CEO or a person acting in the position of CEO from time to time is delegated the authority to grant or refuse building permits, subject to the provisions of s20 and s22 of the Building Act 2011;
- (iv) The CEO or a person acting in the position of CEO from time to time is delegated the authority to grant or refuse demolition permits, subject to the provisions of s21 and s22 of the Building Act 2011;
- (vi) The CEO or a person acting in the position of CEO from time to time is delegated authority to grant, modify or refuse Occupancy Permits or Building Approval Certificates, subject to the provisions of s58 Building Act 2011;
- (vii) The CEO or a person acting in the position of CEO from time to time is delegated authority to commence prosecution for an offence against this Act, subject to the provisions of Building Act 2011.

VOTING REQUIREMENTS

Absolute majority required

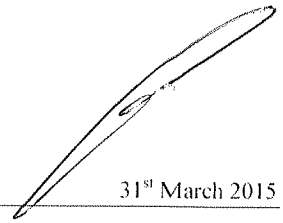
MOVED Cr. P. Thomas, seconded Cr. Jones, that the recommendation contained within report 009-15 be adopted.

#009-15

RESOLUTION

That Council;

- 1. Approves the following delegations in accordance with the requirements of the Building Act 2011, the Building Regulations 2012 and the Local Government Act 1995;*
 - (i) The CEO or a person acting in the position of CEO from time to time is delegated the authority to appoint Authorised Persons for the purpose of the Building Act 2011 in relation to buildings or incidental structures, subject to the provisions of the Building Act 2011;*
 - (ii) The CEO or a person acting in the position of CEO from time to time is delegated the authority to appoint persons to issue Building Orders in relation to:*
 - a. Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the Building Act;*
 - b. Take specific action to prevent a contravention of the Act;*
 - c. Finish an outward facing side of a wall;*

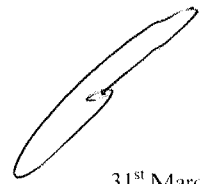


- d. Buildings which are considered as being unsafe or not fit for human habitation subject to the provisions of the Building Act 2011.*
- (iii) The CEO or a person acting in the position of CEO from time to time is delegated the authority to grant or refuse building permits, subject to the provisions of s20 and s22 of the Building Act 2011;*
- (iv) The CEO or a person acting in the position of CEO from time to time is delegated the authority to grant or refuse demolition permits, subject to the provisions of s21 and s22 of the Building Act 2011;*
- (vi) The CEO or a person acting in the position of CEO from time to time is delegated authority to grant, modify or refuse Occupancy Permits or Building Approval Certificates, subject to the provisions of s58 Building Act 2011;*
- (vii) The CEO or a person acting in the position of CEO from time to time is delegated authority to commence prosecution for an offence against this Act, subject to the provisions of Building Act 2011.*

CARRIED BY AN ABSOLUTE MAJORITY 7/0

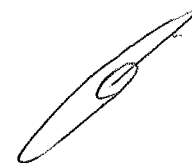
Attachment A

Delegation	Issue or Refusal of Building Permits
Function to be performed:	Issuing of Building Permits subject to the satisfactory compliance with the provisions of the Act and Regulations with respect to Certified or Uncertified Applications
Delegated by:	The Shire of Ngaanyatjarraku Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Building Surveyor
Delegation:	The CEO is delegated the authority to grant or refuse the issue of a building Permits in the prescribed form pursuant to the Building Act 2011, Section 20, 22 & 127.
Conditions:	Nil
Statutory reference:	Building Act 2011, Sections 20, 22 and 127. Division 2 of Part 2. Divisions 1, 2 and 4 of Part 4.



Delegation	Issue of Building Orders
Function to be performed:	<p>1. A Permit Authority may make an Order (a Building Order) in respect of one or more of the following -</p> <ul style="list-style-type: none"> • particular building work; • particular demolition work; • a particular building or incidental structure, whether completed before or after commencement day. <p>2. An order may require -</p> <ul style="list-style-type: none"> • Stop work, demolish or remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the Building Act; • Taking specific action to prevent a contravention of the Act; • Finishing of an outward facing side of a wall; • Closure and/or take down and removal Buildings which are considered as being unsafe or not fit for human habitation subject to the provisions of the Building Act 2011.
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011, Sections 110, 111 and 112.</i>
Conditions:	<p>1. Chief Executive Officer may sign a Building Order, subject to Sub-Section 112(2)(b) of the Act being conditional as follows; “The <i>Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified</i>”.</p>
Statutory reference:	<i>Building Act 2011, Sections 110, 111 and 112.</i>

Delegation	Issue or Refusal of Demolition Permits
Function to be performed:	To grant or refuse to approve applications for a Demolition Permit.
	The Shire of Ngaanyatjarraku Council



Delegated by:	
Delegated to:	Chief Executive Officer
Sub-delegation to:	Building Surveyor
Delegation:	The CEO is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the <i>Building Act 2011</i> , Sections 21, 22 & 127 .
Conditions:	Nil
Statutory reference:	<i>Building Act 2011</i> , Sections 21, 22 and 127 .

Delegation	Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate.
Function to be performed:	Authority to issue occupancy permits, certificates of construction appliance, grant permits, issue building orders and notices and perform associated functions of a permit authority pursuant to the <i>Building Act 2011</i> .
Delegated by:	The Shire of Ngaanyatjarraku Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Building Surveyor
Delegation:	The officers are delegated the power to issue Certificates of Occupancy, Building Approval certificates and extensions of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the <i>Building Act 2011</i> , Sections 58, 59, 62, 65 and 127.
Conditions:	Nil
Statutory reference:	<i>Building Act 2011</i> , Sections 58, 59, 62, 65 and 127.

MATTERS FOR THE INFORMATION OF MEMBERS

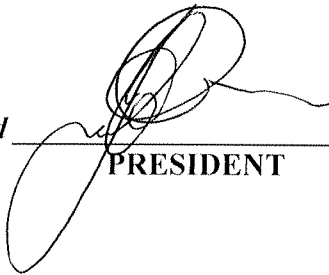
Nil

CLOSURE

There being no further business, the Shire President thanked everyone for their attendance and declared the meeting closed at 1.58pm (WST).

These minutes of the meeting held 31st March 2015 were confirmed at the meeting held on 29th April 2015.

Signed



PRESIDENT

Date

29/4/15