



Town of Port Hedland

MINUTES

OF THE

ORDINARY MEETING  
OF THE TOWN OF PORT HEDLAND COUNCIL

HELD ON

WEDNESDAY 27 MAY 2009

AT 5.30 PM

IN COUNCIL CHAMBERS  
McGREGOR STREET, PORT HEDLAND

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*Chris Adams  
Chief Executive Officer*

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**OUR COMMITMENT**

*To enhance social, environmental and economic well-being through leadership and working in partnership with the Community.*

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**ITEM 1 OPENING OF MEETING****1.1 Opening**

The Mayor declared the meeting open at 5:30 pm and acknowledged the traditional owners, the Kariyarra people.

**ITEM 2 RECORDING OF ATTENDANCE AND APOLOGIES****2.1 Attendance**

Cr S R Martin  
Cr A A Carter  
Cr G D Bussell  
Cr S J Coates  
Cr A A Gear  
Cr J M Gillingham  
Cr K A Howlett

Mr Chris Adams	Chief Executive Officer
Mr Terry Sargent	Director Regulatory and Community Services
Mr Terry Dodds	Director Engineering Services
Mr Matthew Scott	Director Corporate Services
Ms Gaye Stephens	Executive Assistant

Members of Public 16

Members of the Media 1

**2.2 Apologies**

Cr A A Carter  
Cr J E Ford

**2.3 Approved Leave of Absence**

Cr G J Daccache

**ITEM 3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE****3.1 Questions from Public at Ordinary Council Meeting held  
Wednesday 22 April 2009**

Nil.

3.2 Questions from Elected Members at Ordinary Council Meeting held Wednesday 22 April 2009

*3.2.1 Councillor Arthur Gear*

On behalf of a member of the public, and as there is an item for Council's consideration in relation to Bert Madigan Park, I have been asked if Council can assist with the restoration of the lettering of a returned soldier's gravestone at the Port Hedland Cemetery? Who is responsible for this type of request, the RSL [Return Services League] or the Council?

The Town has sought advice and guidance in relation to determining the correct protocol required for the restoration of a headstone for a returned services personnel's grave from the Returned Services League in Port Hedland, Advice will be distributed to Council when received.

*3.2.2 Councillor Jan Ford*

*Being so close to Anzac Day I am reminded that the memorial plaque just outside Council Chamber's kitchen does not include the Lockyer name; it is believed permission was sought for this name to be included on the plaque some years ago, but the name is still not there; unsure of the policy (as at the time indigenous soldiers were not recognised), can this be investigated and updated, as I believe there was one soldier from the family who served at World War 1 and two soldiers who served at World War 2?*

Research for returned servicemen with links to Port Hedland has been undertaken on the National Archives of Australia and the WW2 Nominal Roll. This information has been forwarded to the Returned Services League in Port Hedland (letter dated 6 May 2009), seeking any further information they may have and advice on eligibility criteria for names to be included on the WW1 Honour Roll displayed in the Civic Centre. Advice will be distributed to Council when received.

**ITEM 4 PUBLIC TIME**

**4.1 Public Questions**

5:33 pm Mayor opened Public Question Time.

*4.1.1 Lisa Hourn*

*Can Hedland gymnastics use the proposed Multi Recreation sports centre for competition events, and will there be an area that could be used daily so we can leave our equipment set up?*



Chief Executive Officer confirmed the main hall area can have centre lodge points installed into the floor for competition events. Previous discussions with Mr Chris Cottier, President of the Hedland Gymnastic Club had indicated that the Club's intent was to continue to utilise the Youth and Family Centre for training, and using the Multipurpose Recreation Centre for competitions only. Since this, the Club has increased in numbers significantly, and the Club's needs and intended use of the Multipurpose Recreation Centre has changed. It is understood that the Club would prefer to utilise the new centre on a more regular basis, and store gym equipment in a dedicated storage area. In the future the Club has indicated it would be ideal to have a dedicated gymnastics area where equipment can remain set up.

Chief Executive Officer added that he has liaised with the President of the Port Hedland Gymnastic Club, the Architect of the Multipurpose Recreation Centre and Council's Manager Recreation Services and have revised the Officer's Recommendation in tonight's report to ensure further consideration can be given to gymnastics within the design of the Centre.

5:35 pm Mayor closed Public Question Time.

#### **4.2 Public Statements**

5:35 pm Mayor opened Public Statement Time.

Nil.

5:35 pm Mayor closed Public Statement Time.

### **ITEM 5 QUESTIONS FROM MEMBERS WITHOUT NOTICE**

#### *5.1 Councillor Arthur Gear*

*Why aren't there any safety boom gates at the crossing on the HBI road [Great Northern Highway], where the FMG Ltd railway crosses?*

Chief Executive Officer advised this question will be taken on notice.

*Has there been any progress on reaching an amicable agreement with Dampier Salt to enable public access to Paradise Creek?*

Chief Executive Officer advised discussions with Dampier Salt's management representatives approximately 12 months ago were unsuccessful; mainly due to safety reasons associated with enabling public access through a mining site. The matter can be raised with the company again.

*Council's Engineering Services have previously graded roads to fishing access areas; can this be undertaken again and include signage?*

Director Engineering Services confirmed yes.

*5.2 Councillor Grant Buswell*

*Is it possible for Council's Building Inspector to inspect the Port Hedland Volunteer Sea Rescue Building, to ascertain termite damage?*

Director Regulatory and Community Services advised Council's Building Services have previously undertaken an inspection and prepared a condition report, which indicates the damage to the building is beyond repair.

*Can we have a copy of the report?*

Director Regulatory and Community Services confirmed yes.

*Is the building habitable? Are there any notices issued on the building?*

Director Regulatory and Community Services advised that no declarations relating to an unsafe building have been issued. It could be argued that the significant amount of termite damage, and requirement for a Notice to be issued is marginally close

*5.3 Councillor Kelly Howlett*

*Has the date been set for Port Hedland's Birthday celebrations? If so, can this be circulated?*

Chief Executive Officer advised the date for Port Hedland's Birthday Celebrations will be circulated to Councillors when set.

*As a member of the Port Hedland Air Quality Group, I am advised that there is a Dust Management Taskforce; can Council write to the Department for Environment and Conservation requesting that a Town of Port Hedland representative be included on the Taskforce; and if so, I would be interested in being Council's representative?*

Chief Executive Officer advised he has invited by the Director General of the Department for State Development to attend the Port Hedland Dust Management Meeting of which he will brief Council at its Informal Briefing Session. He added that he will request the Department for State Development for a Council representative to also attend.

*Does Council control the placement of 'SAM' the speed sign; and if so, can it be set up at Anderson Street, St Cecelia School and along Hamilton Road near Hedland Senior High School?*

Director Engineering Services confirmed yes.

*Is the sign able to record statistical data?*

Director Engineering Services advised this question will be taken on notice. He added he is unsure if the sign is fitted with equipment to record speed data.

*If the sign does capture statistical data, can a copy be distributed to Council? If not, can the sign be upgraded to enable it to do so?*

Director Engineering Services confirmed yes.

*5.4 Councillor Jan Gillingham*

*Can the SAM speed sign also be located along Styles Road?*

Director Engineering Services confirmed yes.

*5.5 Councillor Kelly Howlett*

*As National Tree Planting Day is the last weekend of July, and the planned cycleway from Port to South Hedland is approved, can the area from Black Rock Caravan Park to Pinga street be pegged for tree planting on that day?*

Chief Executive Officer clarified that Council has approved the Cycle Development Plan, and that plan includes the area from North Circular Road to Pinga Street, however designs are yet to be prepared and approved. In view of the State Government's \$200M budget to change the main road, planting of trees may be premature in that area. He added it would not be desirable to plant trees, which may be required to be removed as a result of changes to the road.

*Can Council talk with Main Roads about the matter and suitability of planting trees in the area?*

Chief Executive Officer confirmed yes, however with changes to the roads in the pipeline, a planting strip is unlikely to be suitable at this time.

*Following a delegation of Councillors visited the Port Hedland Caravan Park, when is the application going to be considered?*

Director Regulatory and Community Services advised that the application was received on 13 May 2009.

The proposal involves changing the entry on to the Great Northern Highway, which requires consultation with Main Roads WA. It is planned to present the application to Council for consideration as soon as possible. He indicated this would be in the next couple of weeks.

Chief Executive Officer advised it is proposed that Council has a Special Meeting to consider the Rate in the Dollar as part of Council's budget process, of which the Port Hedland Caravan Park proposal may also be included for consideration.

### 5.6 *Councillor Steve Coates*

*As it is soon the time for 'whale watching' what is the status of the Town's dedicated Humpback whale?*

Director Regulatory and Community Services clarified that the Town's nominated whale has not been sighted for approximately 12 years. An approach to the Humpback Whale Project for a replacement whale to be assigned to the Town has been denied.

*Has the Town received any further information on the legality of the Munda Station access road?*

Chief Executive Officer advised staff are waiting on receipt of advice, and it is anticipated a report will be presented for Council to consider at its Ordinary Meeting in June.

*What is the requirement for a variation in CCTV camera contract for a dedicated tower? Is there another alternative, and is there likely to be any additional cost to Council?*

Chief Executive Officer advised that the Telstra Tower proposed to be used is unfeasible.

Director Regulatory and Community Services explained the replacement tower being installed at the South Hedland Police Station is the most likely and viable option.

### **ITEM 6 DECLARATION BY MEMBERS TO HAVE GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPER PRESENTED BEFORE THE MEETING**

The following Members verbally declared to have given due consideration to all matters contained in the Business Paper presented before the meeting, excluding late items.

Cr S R Martin	Cr A A Gear
Cr G D Bussell	Cr J M Gillingham
Cr S J Coates	Cr K A Howlett

**ITEM 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Confirmation of Minutes of Ordinary Meeting of Council held on Wednesday 22 April 2009

200809/322 Council Decision/Officer's Recommendation

**Moved:** Cr A A Gear

**Seconded:** Cr K A Howlett

That the Minutes of the Ordinary Meeting of Council held on Wednesday 22 April 2009 be confirmed as a true and correct record of proceedings.

*CARRIED 6/0*

7.2 Confirmation of Minutes of Special Meeting of Council held on Wednesday 13 May 2009

200809/323 Council Decision/Officer's Recommendation

**Moved:** Cr J M Gillingham

**Seconded:** Cr A A Gear

That the Minutes of the Special Meeting of Council held on Wednesday 13 May 2009 be confirmed as a true and correct record of proceedings.

*CARRIED 6/0*

**ITEM 8 ANNOUNCEMENTS BY CHAIRMAN WITHOUT DISCUSSION**

Nil.

**ITEM 9 REPORTS BY ELECTED MEMBERS WITHOUT DISCUSSION**

*9.1 Councillor Arthur Gear*

Advised he will present a report to Council in the near future on conferences he has attended.

*9.2 Councillor Jan Gillingham*

Advised that Councillors visited Munda Station on Sunday 10 May 2009. Councillor Gillingham added that Cowrie Creek is a pristine coastal area.

*9.3 Councillor Kelly Howlett*

Councillor Howlett attended the Welcome to Hedland Night – Port Hedland Community Expo; walked through the Port Hedland Caravan Park; the second Tidy Town's Meeting which is currently

working on the Town's submission; and attended the Port Hedland Soroptimist Family event on Saturday at which the Hedland Amazing Scratch Band played at.

*9.4 Councillor Steve Coates*

Councillor Coates advised Council on plans to hold the 'DRUMBEAT' program during the Christmas School holiday period. DRUMBEAT (Discovering Relationships Using Music, Beliefs, Emotions, Attitudes and Thoughts), is an evidence-based therapeutic intervention program using music. Councillor Coates added a report on the proposal will be presented to Council at a later date.

**ITEM 10 PETITIONS/DEPUTATIONS/PRESENTATIONS/ SUBMISSIONS**

Nil.

**ITEM 11     REPORTS OF OFFICERS***11.1.1     Status of Council Decisions (File No.: 13/06/0001)*

<b>Officer</b>	Gaye Stephens Executive Assistant
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<b>Date of Report</b>	15 May 2009
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Disclosure of Interest by Officer	Nil
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## Summary

Informing Council of actions undertaken in relations to decisions of Council in the past month.

## Background

This monthly report is presented to Council for information. The report advises Council how decisions are being actioned by staff. Any Council Decision that has not yet been completely implemented will remain on the list until it has been completed.

## Officers Comments

This report outlines the status of decision from previous Council meetings.

## Statutory Implications

Section 2.7 of the Local Government Act states how Council is responsible for directing the local government's affairs:

*"2.7. The role of the council*

*(1) The council –*

- (a) directs and controls the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to –*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies."*

Policy Implications	Nil
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## Strategic Planning Implications

KRA 6 – Governance

Goal 6 – Systems Development

That the Town's internal operating systems are structured in a manner that assists in providing timely accurate information to the community.

Budget Implications

**Nil**

200809/324 Council Decision/Officer's Recommendation

**Moved:** Cr K A Howlett

**Seconded:** Cr J M Gillingham

That the 'Status of Council Resolutions' Report as presented to the Council's Ordinary Meeting held on 27 May 2009 be received.

*CARRIED 6/0*



Ordinary Council Meeting held 23 May 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.3.1.4	Tender 06/43 WE Greening Stg 1A Landscape & Irrigation Work	200607/316 Council Decision That: i) Council Reject all tenders that were submitted for Tender 06/43 West End Greening Stage 1a Landscape and Irrigation Works ...	DES	Stage 1 completed, Stage 2 has commenced is on schedule	Completed in March 09	✓	
Ordinary Council Meeting held 27 June 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.3.1.3	Don Rhodes Mining Museum Safety Audit	200607/354 Council Decision/Officer's Recommendation That Council: i) implements the following upgrade works: ...	DES	08/09 budget appr. \$150K. Pending re: decision to relocate Museum. Fencing Tender to be prepared for awarding in February 2009 (pending survey outcomes) – on schedule	Tender Awarded to Boundaries WA.		April 09
11.4.1.9	Request for Lease Renewal – Air BP at PHIA	200607/366 Council Decision/Officer's Recommendation That Council: i) approves the disposal of land, being a portion of Port Hedland International Airport currently used by Air BP, by way of lease, by private treaty, as per s3.58(3) of the Local Government Act 1995, with the following terms;	DCS.	Val. received. Dft lease with BP Air. Waiting on sign off			
Ordinary Council Meeting held 26 September 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.3.3.5	Security Screening Operations PHIA	200708/031 Council Decision/Officer's Recommendation That Council: i) advise DOTARS that the Town of Port Hedland as owner and operator of Port Hedland International Airport is planning to become the Screening Authority for Port Hedland International Airport. ...	Airport Manager	Bus. Plan on hold pending comp. of check'd bag. to obtain true cost recovery. DOTARS advised informally. Formal advice (DOTARS & Qantas) pending bus. plan	AM - Review of entire screening authority operation and liabilities as opposed alternate methods of revenue compensation currently being investigated. Requires much more attention to detail. In progress. DES – on hold.		30 June 2009
Special Council Meeting held 16 October 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE

6.1.1.1	Scheme Amend. from "ResR12.5/30, Other Public Purp- Cem, Parks & Rec. & Local Rd" to "ResR12.5/50" & "Other Pub Purp - Comm Purp"	200708/037 Council Decision/Amended Officer's Recommendation That Council: 1) requests Koltasz Smith Town Planners to amend the application to reflect the proposed rezoning of Lot 1628 from "Other Public Purposes - Cemetery" to "Community - Community"; ...	MPS	EPA requested more info. Ltr of response sent 04.12.07. Awaiting response from EPA. Pending.	Reminder letter sent to EPA April 09		
Ordinary Council Meeting held 31 October 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.2.2.3	Amendment to Delegation Register	200708/049 Council Decision That Council lay Agenda Item 11.2.2.3 'Amendment to Delegation Register' on table until Councillors have received an updated copy of Delegation Register; and following a proposed workshop with Council's management staff.	CEO	Updated. To be presented to Nov Informal Briefing.			
Ordinary Council Meeting held 28 November 2007			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.4.1.2	Lease for the Port Hedland Youth and Family Centre	200708/092 Council Decision/Officer's Recommendation That Council agrees to dispose of the property on part reserve 34334 by way of lease to the Port Hedland Youth and Family Centre Inc as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS	Valuation rec'd 17.09.08. Advertising to occur and sign off.			
Ordinary Council Meeting held 23 January 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
12.5	Lease of Part Reserve 31462 to the Port Hedland Turf Club	200708/160 Council Decision/Officer's Recommendation That: a) Council agrees to dispose of the property on part reserve 31462 by way of lease to the Port Hedland Turf Club as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS	Survey received. Awaiting valuation.			
Ordinary Council Meeting held 28 February 2008			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE

12.1.1	Prop. Scheme Amend..No. 17 – “Local Rd Reserve” and “Other Purposes Infrastructure Reserve.” to “Ind”	200708/089 Council Decision/Officer’s Recommendation That Council: i) Initiate a Scheme amendment to the Town of Port Hedland Town Planning Scheme No 5 to rezone Lots 6047, 6048 & 6049 Bell Street, Port Hedland, from “Local Road Reserve” and “Other Purposes – Infrastructure Reserve” to “Industry” Zone, as outlined in the application received 4 February 2008. ...	MPS	Processing. Waiting on information from Applicant.	<b>Applicant preparing additional information May 2009.</b>		December 2008
Ordinary Council Meeting held 26 March 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.4.1.7	Ext. of Lease Area : Royal Flying Doctor’s Service: PHIA	200708/124 Council Decision/Officer’s Recommendation That Council: i) advises the Royal Flying Doctor Service (RFDS) that it agrees in principle to the extension of the current lease area subject to survey; ...	DCS	Awaiting survey and valuation.			
Ordinary Council Meeting held 25 June 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.2.4.1	Participation in Humpback Icon Project	200708/221 Council Decision/Officer’s Recommendation That Council: i) elects to adopt an unnamed whale in the Humpback Icon Project; ...	MCED	Awaiting selection by Humpback Icon Project: Whale allocated had not been sighted for 10 years.	<b>On hold – waiting on receipt of further information from Humpback Icon Project.</b>		June / July 2009
Ordinary Council Meeting held 23 July 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.3.3.1	PHIA Construction of Ramp	200809/014 Council Decision That Council i) obtains quotes to facilitate the construction of a ramp at the arrivals end of the terminal for manoeuvring trolleys between the terminal and freight facilities; and ...	Airport Manager	On Hold	<b>Under Review. On hold.</b>		
11.3.3.2	PHIA: Polar Aviation Northern Hangar	200809/015 Council Decision That Council authorises the CEO or his nominated officer to enter into negotiations with Polar Aviation in relation to the redevelopment of the northern hangar site, with a 15 year + 15 year option lease in accordance with the Local Government Act, and utilise the valuation received by consultants in January 2008 as a guide.	Airport Manager	A Master Planning Stakeholder consultation meeting was held 20 Jan 09 with further meetings planned. Ongoing	<b>Project now under activation by the Airport Landside Development officer in consultation with the MAO &amp; DCS. Ongoing (lease to be signed).</b>		
Ordinary Council Meeting held 24 September 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE

11.4.1.2	Request for 100% Rate Concession for: SHOATA	200809/073 Council Decision/Officer's Amended Recommendation That Council lays Agenda Item 11.4.1.2 'Request for 100% Rate Concession for Property: Lot 5164 Shoata Road, South Hedland Leased by South Hedland Owners and Trainers Association' (SHOATA) on the table until such time as: ...	Senior Rates Officer	i) underway ii) Crs visiting SHOATA in person 25.01.09			
11.4.1.4	Council Chambers : Table Configuration	200809/075 Council Decision That Council: i) authorise the CEO or his nominated officer to source a design of boardroom style Council table, preferably from a locally or regionally based cabinet maker, with the requirement to seat a minimum of 16 people; and a complimentary table being set aside from Council for use by the Hedland Youth Leadership Council and Media representatives; and ...	DCS	ii) quotes sourced and considering most effective/\$ saving mods.			July 2009
12.1.1	Golden Eagle Airlines lease of the Airfreight Hanger at the PHIA	200809/083 Council Decision/Officer's Recommendation That Council enters into a Lease Agreement with Golden Eagle Airlines for the Air Freight Hanger at the Port Hedland International Airport, in accordance with section 3.58(3) of the Local Government Act 1995, with the following terms and conditions in addition to Council's standard lease: ...	DCS				
Ordinary Council Meeting held 22 October 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.2.2.2	Scheme Amendment No. 21 – "Resid.R -20" to "Resid. R-30"	That Council, subject to the applicable fee of \$1,650.00 (GST inc) being paid: i) initiates a Scheme amendment to the Town of Port Hedland Town Planning Scheme No 5 to rezone Lots 501, 502 and 503 Murdoch Drive, South Hedland from "Residential R - 20" to "Residential R - 30", as outlined in the application received 25 August 2008; ...	Planning Officer	Pending application then formal documentation will be forwarded to EPA for approval	<b>Waiting for WAPC to give approval to advertise.</b>		
Ordinary Council Meeting held 26 November 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.2.2.4	Subdivision – Creat'n of 19 Lots –Lot 500 Pinnacles St, Wedgefield	200809/119 Council Decision/Officer's Recommendation That Council: 1. SUPPORTS the subdivision application for the creation of 19 lots on Lot 500 Pinnacles Street, Wedgefield. ...	Planning Officer	Pending receipt of AP from WAPC	<b>Status remains.</b>		
11.4.1.4	PH Pony Club Lease Renewal	200809/139 Council Decision That Council agrees to dispose of the property on part reserve 31462 by way of lease to the Port Hedland Pony Club Inc. as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS				

11.4.1.5	Wirraka Maya Health Services Rates Exempt. Request	200809/141 Council Decision/Officer's Recommendation That Council: i) lay the matter on the table until such time as Council has adopted a Policy regarding Rates Exemptions for Community Groups; and ...	DCS				
Ordinary Council Meeting held 10 December 2008			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.4.1.1	Port Hedland Golf Club Lease	200809/162 Council Decision That Council agrees to dispose of the property on part reserve 35915 by way of lease to the Port Hedland Golf Club Inc as per section 3.58 (3) (private treaty) with the following conditions: ...	DCS				
12.1.1	Tender 08/14: Colin Matheson Oval Redevel'ment	200809/167 Council Decision/Officer's Recommendation That Council: i) Reject all submitted tenders for 08/14: Colin Matheson Oval Redevelopment due to non-conformance, and advise all tenderers of this outcome; ...	MRS		<b>Re-advertised. Tender 09/05 called for the design component. Presented to May OCM. Construction due Sept 2009.</b>		March 2010
14.1.1	Cooke Point Caravan Park Lease	200809/171 Council Decision/Officer's Recommendation That Council ADVISE Aspen Parks that the rent review has been undertaken in accordance with Clause 3.2(c) of their lease, and that Council is not willing to consider any lease fee reduction: ...	DCS		<b>Negotiations continuing.</b>		
Ordinary Council Meeting held 28 January 2009			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.2.1.3	Management of the Port Hedland Retirement Village	200809/179 Council Decision That Council: i) reach agreement with the joint venture partners, (the Port Hedland Retirement Village Inc. and Homeswest) prior to tenders being requested for the management of the Port Hedland Retirement Village; and ...	DRCS		<b>Agreement reached, with details of transition process to be negotiated. Report to Council.</b>		
11.2.1.4	Expansion of Reserves - Taylor Street - Cooke Point CP	200809/180 Council Decision That Agenda Item 11.2.1.4 'Expansion of Reserves 29044 and 39832 Taylor Street - Cooke Point Caravan Park' lay on the table to enable Council to consider a more detailed map, prior to further consideration of the item.	DRCS		<b>Additional detail sought from surveyors.</b>		June 2009
11.3.2.2	Tender 08/15: Design and Construction of Recycling Shed Landfill	200809/190 Council Decision That Council: i) rejects all tenders received for Tender 08/15 Design and Construct of the Recycling Shed at the South Hedland Landfill; and	MID		<b>Tender readvertised. Advertising period closed. Report to Council's OCM May 2009</b>	✓	

11.3.2.3	Tender 08/16: Design and Construct'n of Two (2) Groundwater Bores at McGregor St and Kevin Scott Oval	200809/191 Council Decision That Council: i) authorises the Chief Executive Officer or his nominated officer to negotiate with appropriately qualified and interested contactors for the design and/or construction of the groundwater bores as specified within Tender 08/16 'Design and Construction of Two (2) Groundwater Bores at McGregor Street and Kevin Scott Oval within Council's budget of \$120,000; and ...	MID		<b>Tender advertised. Advertising period closed. Report to Council's OCM May 2009</b>	✓	
11.3.3.1	YMCA 2008 Variation Request	200809/192 Council Decision That Council advises the YMCA that a portion of their request may be approved, to an amount determined by Council.	MRS		<b>Negotiations completed.</b>	✓	
11.3.3.3	Hawks Rugby Club Rooms	200809/194 Council Decision/Officer's Recommendation That Council: i) provide alternative and temporary clubroom facilities for the users of the McGregor Street Sporting Reserves; ...	Sport and Recreation Officer		<b>Temporary clubroom ordered. Awaiting arrival from Karratha</b>		June 2009
11.4.2.2.	Spoilbank WG – Safe Boating Harbour Concept Design	200809/198 Council Decision/Officer's Recommendation That Council: i) accepts the Concept Plan for the proposed Safe Boating Harbour; and ...	CEO		<b>Geotechnical investigations progressing.</b>		
11.4.2.3	Findings of Investigation of Boat Ramp User Fees	200809/199 Council Decision/Officer's Recommendation That the findings of the investigation of Boat Ramp User Fees be received by Council.	Admin Officer, Gov.		<b>Being considered as part of Council's 2009/10 budget process.</b>	✓	
12.3.1	Partnership and Support of Care for Hedland Env. Ass. Inc's. Recycling & Litter Red. Initiatives	200809/204 Council Decision That Council: i) accepts the Care for Hedland Environmental Association Inc. proposal to partner with the association for the duration of the Recycling and Community Rubbish Collection trial period, and its 2009 Clean Up Australian Day initiatives, and provide the following support: ...	EA		<b>Orange collection bags purchased. Purchase Order 88040 (\$500 towards marketing and promoting Clean Up Australia Day; and \$500 to engage Captain Clean Up for Recycling and Community Clean Up Initiative) paid to Care for Hedland. Yet to reimburse \$250 for BBQ launch costs.</b>	✓	June 2009
14.1.1	Mirtanya Maya: Transfer of Land	200809/206 Council Decision/Officer's Recommendation That Council: i) notes that the West Australian Country Health Service (WACHS) has agreed to repay the Federal Government's claim for reimbursement relating to the 1995 Capital Grant for the construction of Mirtanya Maya; and ...	CEO		<b>Transaction completed.</b>	✓	
Special Council Meeting held 2 February 2009			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE

6.2.1.1	Munda Station – Public Access Road	200809/214 Council Decision/Officer's Recommendation That Council formally advise the Managers of Munda Station that: ...	DES		Waiting on confirmation of status of road from SLS and legal opinion. Councillors visited Munda Station on 10.05.09.		
6.4.1.1	Confidential Item : Virgin Blue Australia: Request for Concessions	200809/218 Council Decision 1. Advises Virgin Blue Australia that it will provide the following incentives to secure Virgin Blues Airline Flights to Port Hedland International Airport: ...	CEO		Virgin Blue advised of Council's decision (Itr dated 06.02.09)	✓	
Ordinary Council Meeting held 25 February 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
10.2	Petition – Crèche at Aquatic Centres	200809/222 Council Decision That Council: i) notes the receipt of a petition signed by members of the Hedland Playgroup Association, that seeks Council's consideration of the installation of crèche facilities at the Swimming Pools; and ...	MRS		Presented as part of the budget process for 2009/10.	✓	
11.1.2.3	Proposed Public Access Ways, Pretty Pool	200809/227 Council Decision/Officer's Recommendation That Council: i) Advise the Department for Planning and Infrastructure that Council does not object to the vesting of a Reserve for Recreation (Lot 8003 on Deposited Plan 55507) to the Town of Port Hedland. ...	Planning Officer		Lots have been vested. PAWS to be advertised May 2009.		
11.2.4.1	Transfer of Home & Community Care (HACC) Services	200809/231 Council Decision/Officer's Recommendation That Council: i) authorises the Chief Executive Officer, or his nominee, to negotiate a draft lease agreement for the Home and Community Care (HACC) House and grounds (excluding the residence at 18 Logue Court, South Hedland) to Southern Cross Care, with the following key terms: ...	MCED		Transfer scheduled for 30 June 2009.		June 2009
11.2.2.1	Landfill Weekend Revenue	200809/233 Council Decision That Council: i) change the weekend operating hours for the South Hedland Waste Management Facility to the following; ...	MES		New hours advertised. implemented April 2009.	✓	
11.2.4.1	Turtle Interpretive Boardwalk – Change of Scope	200809/236 Council Decision That Council: i) endorses the construction of the proposed new Turtle Interpretive facility of which the revised scope for the Turtle Interpretive Loop, which includes: ...	MID		Meeting with design consultant 29.05.09 to discuss.		
11.3.1.4	FMG Airport Lease	200809/240 Council Decision/Officer's Recommendation That: 1. Council advises The Pilbara Infrastructure P/L that it will dispose, by way of Lease, the current leased land at the Port Hedland International Airport, by way of public tender, when the lease expires on the 10 September 2009; and	DCS		FMG Ltd advised of Council's decision (Itr dated 03.03.09)	✓	

11.3.2.3	Future Management of the PHVC and Courthouse Art Centre and Gallery	200809/243 Council Decision/Officer's Recommendation That Council: a) advises the current management bodies of the Port Hedland Visitor Centre and the Courthouse Art Centre and Gallery that its preferred future direction is for the two facilities to be managed under one single board of management with Council directing its contribution for the operation of both facilities to that Board; ...	CEO		<b>Board structure to be developed Q3 2009.</b>		
Special Council Meeting held 16 March 2009			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
6.1.2.1	Purchase of Automated Public WC – McGregor St, PH	200809/254 Council Decision/Officer's Recommendation That Council: i) set aside the provisions of Policy 2/007 Procurement Policy in the purchase of an automated public WC for Lot 1483 McGregor Street, Port Hedland; and ...	MBS		<b>PO raised – awaiting delivery</b>	✓	July 2009
6.3.2.1	Port Hedland: Tax Reform Initiatives	200809/258 Council Decision That Council: i) indicates its formal support for the concept of developing taxation incentives that assist in making Port Hedland a more attractive location for business development; and ...	CEO		<b>PH Progress Association advised of decision. No expenditure until \$90K raised by Association.</b>		
Ordinary Council Meeting held 25 March 2009			OFFICER	Background Status/Work to Date	<b>THIS MONTH'S UPDATED STATUS</b>	<b>COMPLETED ?</b>	EST. COMP. DATE
11.1.1.3	Provision of Services to Yandeyarra Community	200809/265 Council Decision That Council: i) continues dialogue with the Yandeyarra community over the normalisation of the town site;	DRCS		<b>Ongoing. DRCS visited Yandeyarra 19.05.09. Council's Aboriginal Advisory Working Group meeting monthly.</b>	✓	
11.1.1.4	Placement of Public Art	200809/266 Council Decision That Council: i) advise BHP Billiton that Council's preferred location for the farm animal sculptures which it is donating to the Town of Port Hedland, is on the Road Reserve on Coppin Place, South Hedland (with pieces being installed as directed by Council's Engineering service);	DRCS			✓	
11.1.2.2	Change of Use –Mgt Order 'Dreamers Corner'	200809/270 Council Decision/Officer's Recommendation That Council: i) request the Minister vest Lot 3267, Port Hedland, to the Town of Port Hedland for the purposes of Car Parking; and	Planning Officer		<b>Awaiting response from DPI.</b>		July 2009



11.1.2.3	De-vesting of Reserve 46180 (Lot 6042 Masters Way) & Initiation of Scheme Amend - 'Parks & Rec' to 'Res R – 30"	200809/271 Council Decision That Council: i) delegates to the Chief Executive Officer or his nominated officer the ability to negotiate with the Department of Housing and Work's, South Hedland New Living Project for a land swap for the release of Reserve 46180 (Lot 6042) Masters Way of land of substantially greater size; ...	Planning Officer		<b>Applicant to provide further information regarding intersection.</b>		
11.1.3.1	Update Policy 13/006 – Permits To Camp On Priv Property	200809/272 Council Decision That Agenda Item 11.1.3.1 'Update Policy 13/006 – Permits To Camp On Private Property' lay on the table pending a presentation of options being presented to Council's Informal Briefing Session to be held on Tuesday 7 April 2009.	MEHS		<b>Presentation to be organised</b>		
11.2.2.1	Tender 08/17 Don Rhodes Mining Museum – Installation of Fencing	200809/274 Council Decision/ Officer's Recommendation That Council awards Tender 08/17 Don Rhodes Mining Museum – Installation of Fencing to Plant and Locomotives to Boundaries WA (alternative tender) for the value of \$80,000, plus gst.	Project Officer, Infrast. Dev.		<b>Contractor to commence June 09</b>		
11.2.2.2	Tender 09-01 Design & Construction of the KSO Reservoir Flushing System	200809/275 Council Decision That Council: i) endorse the Town of Port Hedland seeking independent, expert advice on the technical aspects of the tenders received from the Water Corporation; and	Project Officer Infrast. Dev.		<b>Report being presented to OCM May 09.</b>		
11.3.1.2	Community Group Rating Policy	200809/277 Council Decision That Council invites all community based organisations to two (2) workshops to provide clarity and seek additional feedback on the proposed community rating policy.	DCS		<b>Public consultation workshops held on 15 &amp; 16 April, and 12 May. Report to be presented to Council June 2009.</b>		
11.3.1.3	Lease with BHP Billiton to Increase the CMO	200809/279 Council Decision That Council: i) offers to purchase the land, a portion of Lot 3263 Dempster Street Port Hedland, for one (1) dollar for community use; and	DCS		<b>Negotiations continuing.</b>		
11.3.2.2	Waiver of Gratwick Hall & Sponsorship Request – Frontier Services	200809/281 Council Decision/Officer's Recommendation Council advises Frontier Services that in relation to costs for the launch of the book "Our Island Home – the story of the circumstances which led to the Cocos Malays relocating to Western Australia – some via Christmas Island", that was held on Monday 16 March 2009, in Gratwick Hall: ...	EA		<b>Advised Frontier Services verbally.</b>		

11.3.2.3	2008 Compliance Audit Return	200809/282 Council Decision/Officer's Recommendation That Council adopts the findings of the 2008 Local Government Compliance Audit.	CEO		Signed Compliance Audit Return forwarded to DLGRD.	✓	
Ordinary Council Meeting held 22 April 2009			OFFICER	Background Status/Work to Date	THIS MONTH'S UPDATED STATUS	COMPLETED ?	EST. COMP. DATE
11.1.1.3	Prop. Artwork and Viewing Deck – Bert Madigan Park	200809/291 Council Decision/Officer's Recommendation That Council: i) approves the installation of the artwork "Supernature" on the foreshore reserve adjacent to Bert Madigan Park...	DRCS		Project being installed June 09.	✓	
11.1.1.4	PHVC Funding Agreement	200809/294 Council Decision/ That Council: i) subject to the Agreement being endorsed by the Port Hedland Visitor Centre Committee of Management, authorises the Chief Executive Officer and Mayor to sign and seal the Management Agreement for the Port Hedland Visitor Centre, subject to amendment that provides for Council to meet two-thirds of the water consumption cost for the Visitor Centre; ...	DRCS		PHVC advised of Council's decision (email 23.04.09). Awaiting response from PHVC	✓	
11.1.2.1	Dev. 15 X 4 Room Single Storey Units, at (Blackrock Caravan Park)	200809/297 Council Decision That Council approves the Planning Consent for the 15 single storey tourist's chalet units consisting of 4 rooms each, subject to the following conditions:	Planning Officer		Advised Applicant of Council's decision. Waiting for amended plans.		
11.1.4.1	Disability Access & Inclusion Plan 2008/09	200809/301 Council Decision That Council: i) adopt the revised Town of Port Hedland Disability Access and Inclusion Plan 2008/09; and	MCED		Additions from Council's resolution included in DIAP. Forwarded to DSC Perth.	✓	
11.2.2.1	Boulevard Tree Planting Program	200809/303 Council Decision/Officer's Recommendation That Council approves the prioritisation of the following streets in the Boulevard Tree Planting program, pending adoption of Council's budgets in future years: ...	MID		Construction commenced.		
11.2.3.1	Town Cycle Plan Update	200809/304 Council Decision/Officer's Recommendation That Council: i) undertakes all Year 1 recommendations as part of the 2009/10 financial year; ...	MRS		To commence in July 2009. Planning Commenced		5 year plan
11.3.1.3	Local Government Structural Reform Checklist	200809/308 Council Decision That Council: i) endorse the completed Local Government Structural Reform Checklist (as attached) to send the Minister for Local Government, the Hon G M Castrilli MLA by 30 April 2009, with the following amendment: ...	DCS		Reform checklist (amended) sent to Minister for Local Government by 30.04.09.	✓	

11.3.2.1	Housing for General Practitioners	200809/309 Council Decision That Council: 1) Indicates that it is willing to contribute towards the provision of subsidised housing for General Practitioners in Port Hedland through: ...	CEO		Letters sent.	✓	
11.3.2.2	Country Local Government Fund	200809/310 Council Decision That Council: i) submits the following projects to the Country Local Government Fund, as replacement to those projects rejected on the 30 March 2009, totaling \$208,000: ...	CEO		Application to Country Local Government Fund submitted.	✓	
11.3.2.5	Council Rep on Pilbara DHAC/District Health Advisory Network	200809/313 Council Decision That Council appoints Councillor Jan M Gillingham (and Councillor Jan E Ford, Proxy), as its representative on the Pilbara District Health Advisory Council (DHAC) and advises the Chairman of the Pilbara DHAC of this appointment.	EA		Chairman of DHAC and District Health Advisory Network advised (email 23.04.09, Ltr 24.04.09)	✓	
12.1.1	Closed Circuit Television (CCTV) Tender 06/09	200809/314 Council Decision/Officer's Recommendation 1 That Council revokes Clause i) of resolution 200809/285 of Agenda Item 6.1.1.1 'Closed Circuit Television (CCTV) Tender 06/09' of its Special Meeting held on Thursday 9 April 2009, and recorded on page 12 of those Minutes, as follows: ...  200809/315 Council Decision/Officer's Recommendation 2 That Council accepts Downer EDI Engineering's tender price of \$245,300 (exc GST) for the supply and installation of Stage 1 of the CCTV system for the Town of Port Hedland.	DRCS		Tenders reconsidered. Successful Tenderer advised.	✓	
12.2.1	Regional Aquatic Management Centre Tender 08/09	200809/316 Council Decision/Officer's Recommendation That Council advises the YMCA Inc. that: i) the tender submission in response to the Pilbara Regional Council Tender 08/09 – T1 [Town of Port Hedland element] by the YMCA Inc. for the Management and Operation of the Gratwick and South Hedland Aquatic Centres be accepted pending the following:	MRS		Budget and contract agreed at April OCM. Contract waiting signing by YMCA. Commenced.		Complete June 2009
14.1.1	Confidential Item: FMG's Airport Lease	200809/318 Council Decision/Officer's Recommendation That Council: i) advise Fortescue Metals Group (FMG) that it will not revoke its decision to publically tender the FMG airport lease area, when the current lease expires (10 September 2009); and ...	DCS		FMG Ltd advised of Council's decision 24.04.09. Report being presented to OCM May 09.	✓	



**11.2 REGULATORY AND COMMUNITY SERVICES**

**11.2.1 Director Regulatory and Community Services**

*11.2.1.1 Monthly Report – Community and Regulatory Services (File No.: 13/04/0001)*

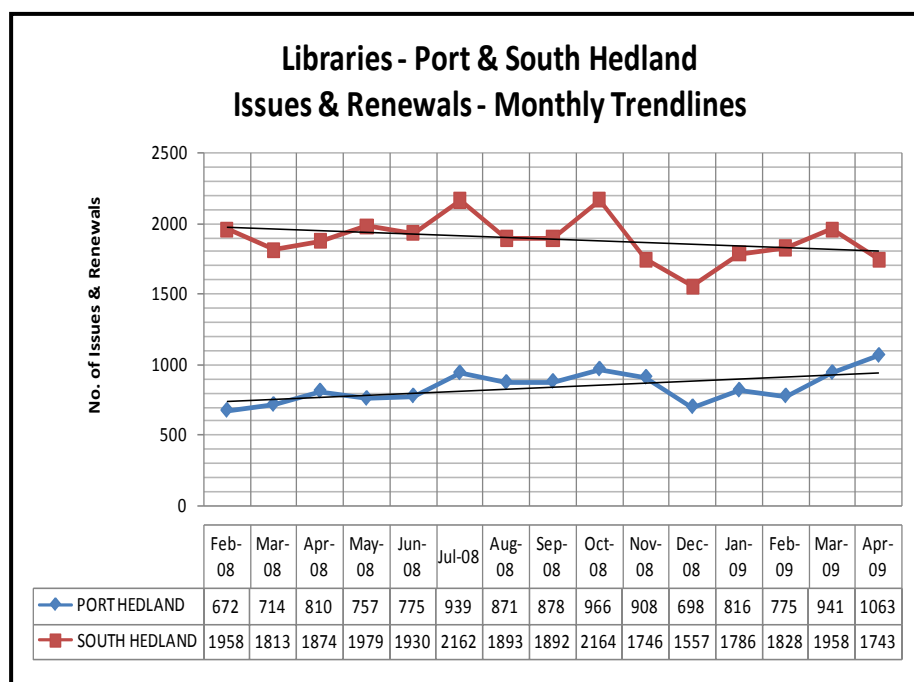
**Officer** Nellie Mackay  
Executive Assistant  
Community and Regulatory Services

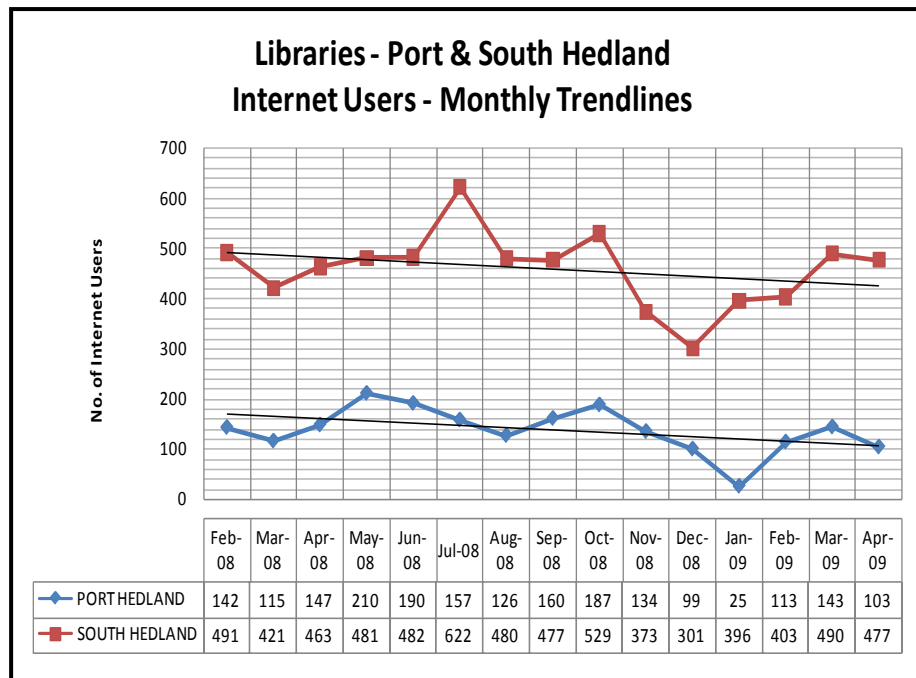
**Date of Report** 18 May 2009

**Disclosure of Interest by Officer** Nil

*Library and Information Services*

<b>PORT HEDLAND LIBRARY</b>	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09
Issues & Renewals	908	698	816	775	941	1063
Reservations	31	15	22	15	23	29
New Borrowers	16	14	37	28	23	30
Internet Users	134	99	25	113	143	103
<b>SOUTH HEDLAND LIBRARY</b>	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09
Issues & Renewals	1746	1557	1786	1828	1958	1743
Reservations	63	59	58	85	80	69
New Borrowers	42	34	53	70	69	66
Internet Users	373	301	396	403	490	477

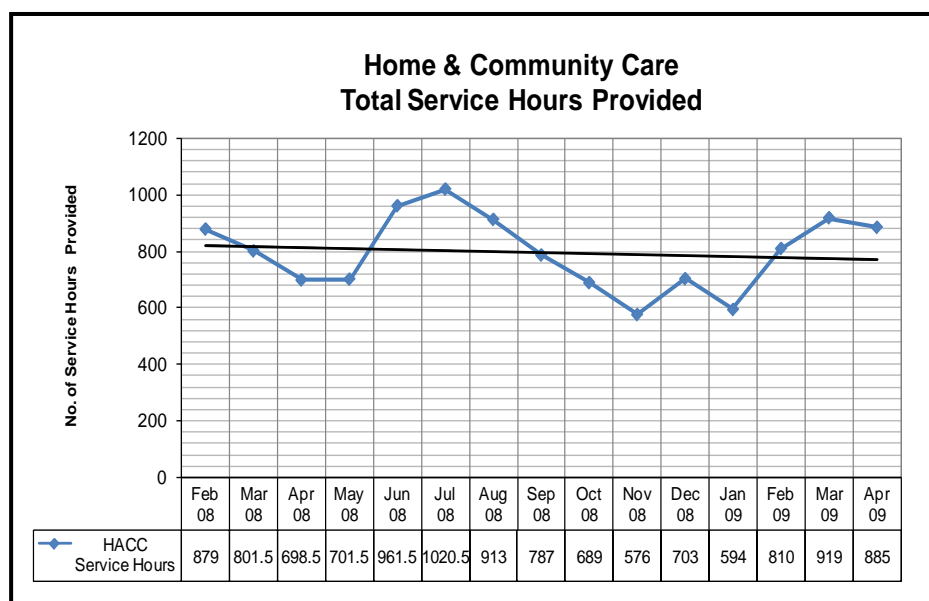




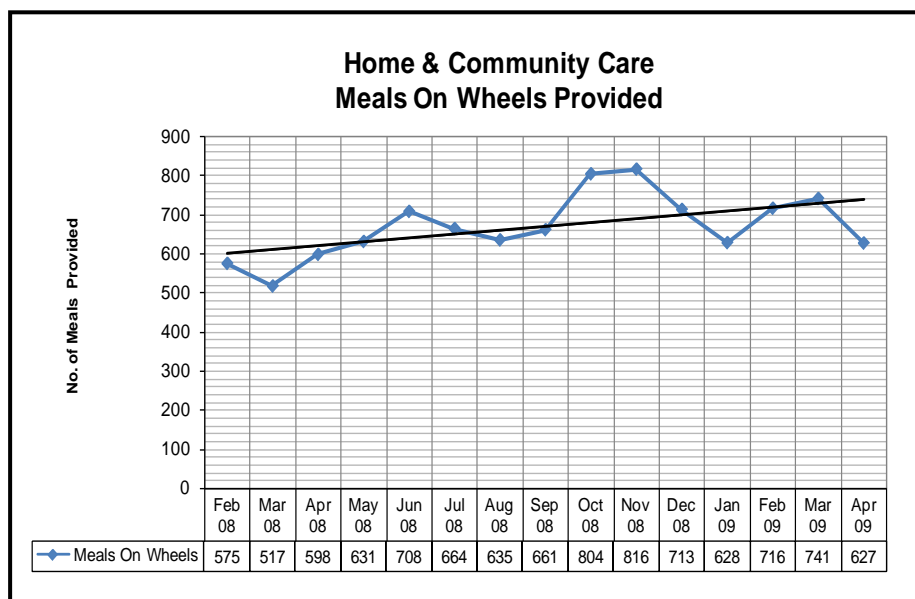
*Human Services*

*HACC Programme*

HACC Service Hours for April 2009	
Meals on Wheels	627
Day Centre Attendance (hours)	702
Domestic Assistance (hours)	129
Personal Care (hours)	12
Social Support (hours)	19
Transport (one way)	212
Home Maintenance (hours)	23
Assessments	5

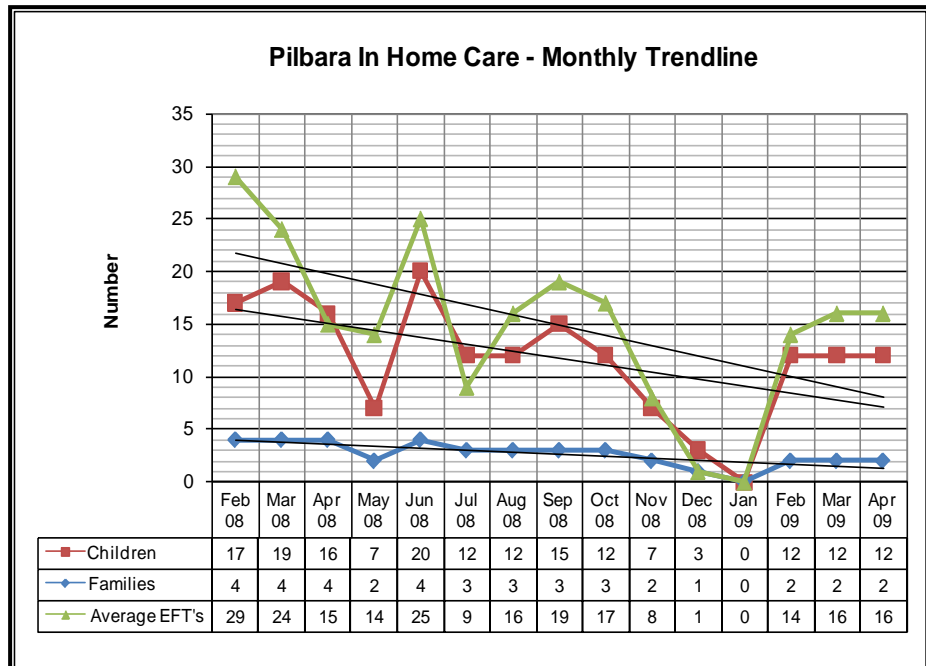
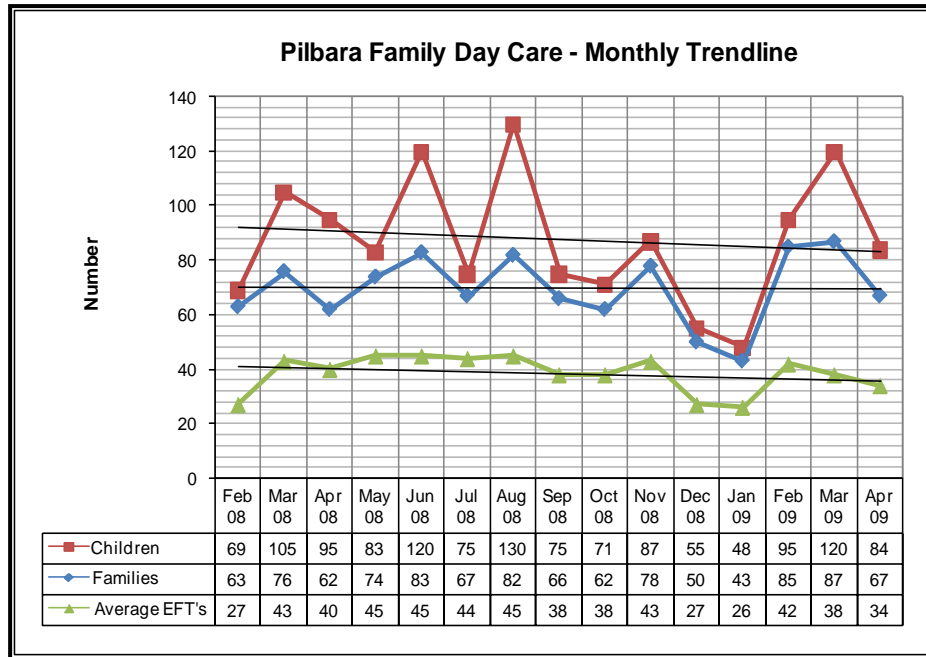


Note: Total Service Hours includes services as Domestic Assistance, Day Centre Attendance, Personal Care, Social Support and Home Maintenance.



*Pilbara Family Day Care (PFDC)*

Location	Carers currently within Scheme	Carers currently going through licensing
South Hedland	3	1
Wickham	-	-
Karratha	4	1
Newman	4	1
Tom Price	1	1
Paraburdoo	2	2
Point Samson	-	-
<b>TOTAL</b>	<b>14</b>	<b>6</b>



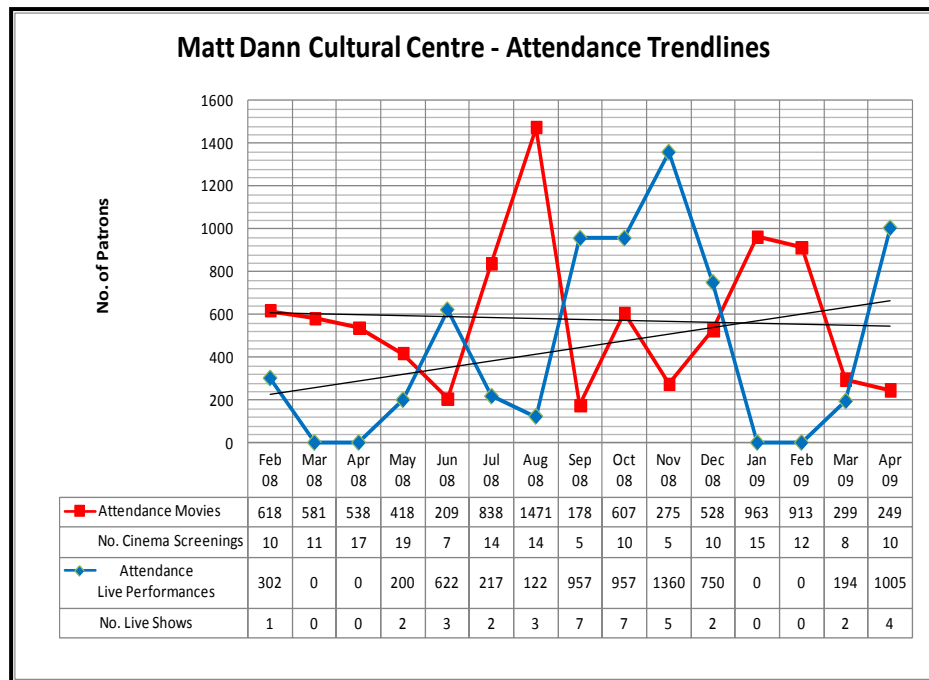
*Events and Matt Dann Cultural Centre*

Live performances occurring in the month of April 09 were:-

- Dorothy the Dinosaur (2 shows)                      588 attendees
- Adam Harvey & the Sunny Cowgirls                      186 attendees
- 61 Circus Acts in 60 Minutes                      231 attendees

The Matt Dann Venue for Apprenticeships Australia BHP Awards, where 100 people attended.



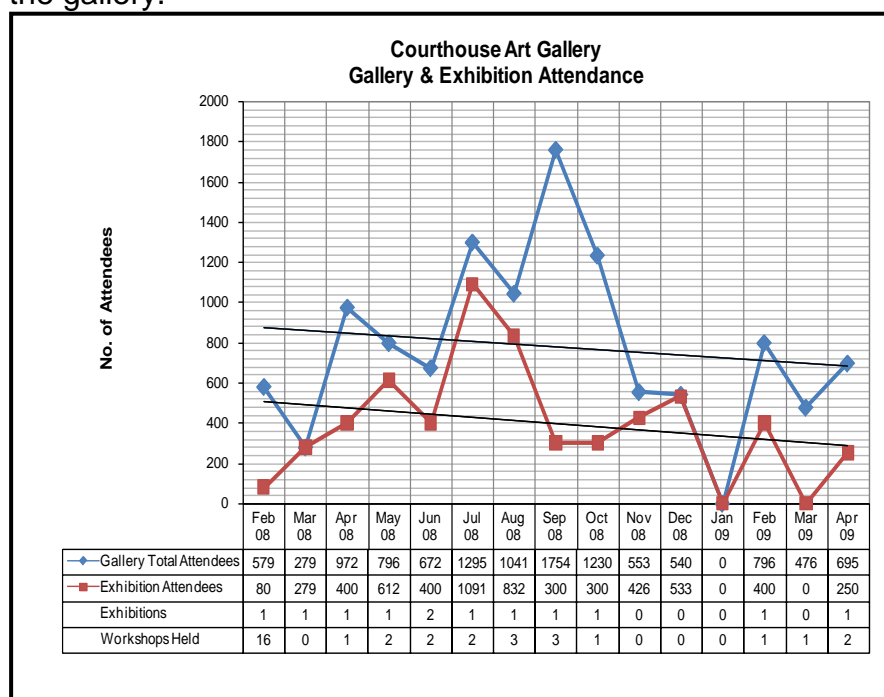


### Courthouse Gallery

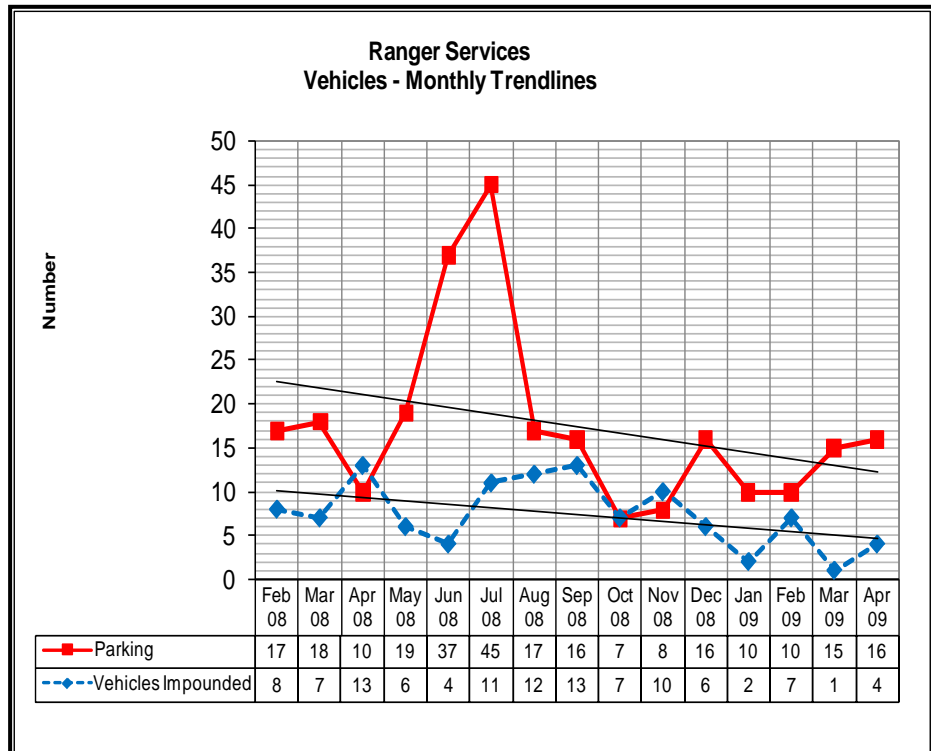
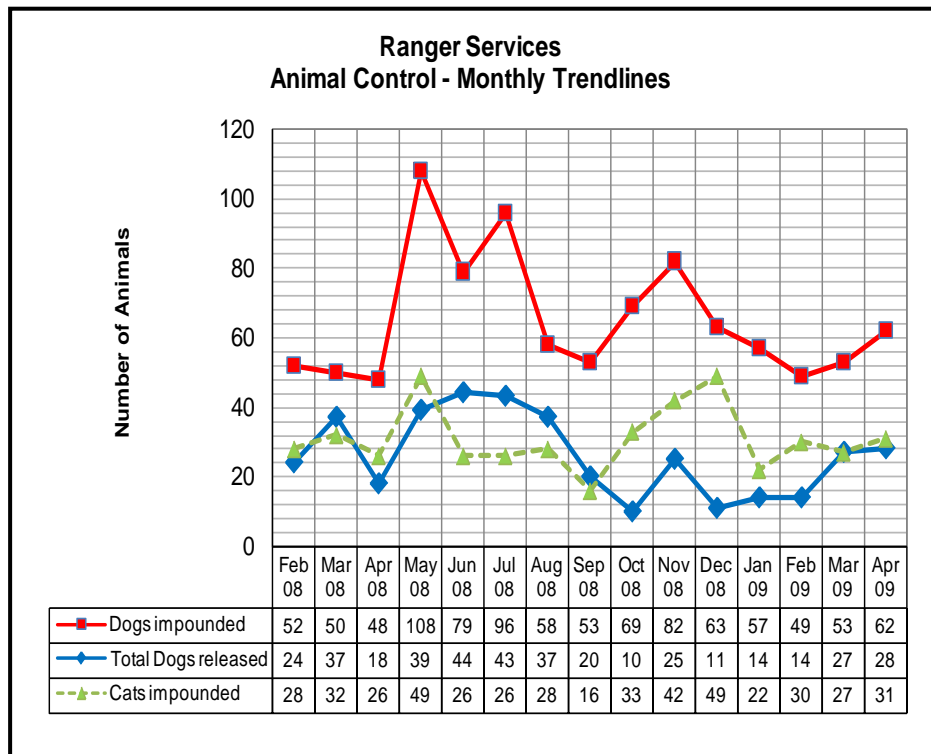
The Gallery held the official opening of the *Water's Edge* exhibition in which two local artists presented their works. The opening night saw approximately 250 people in attendance.

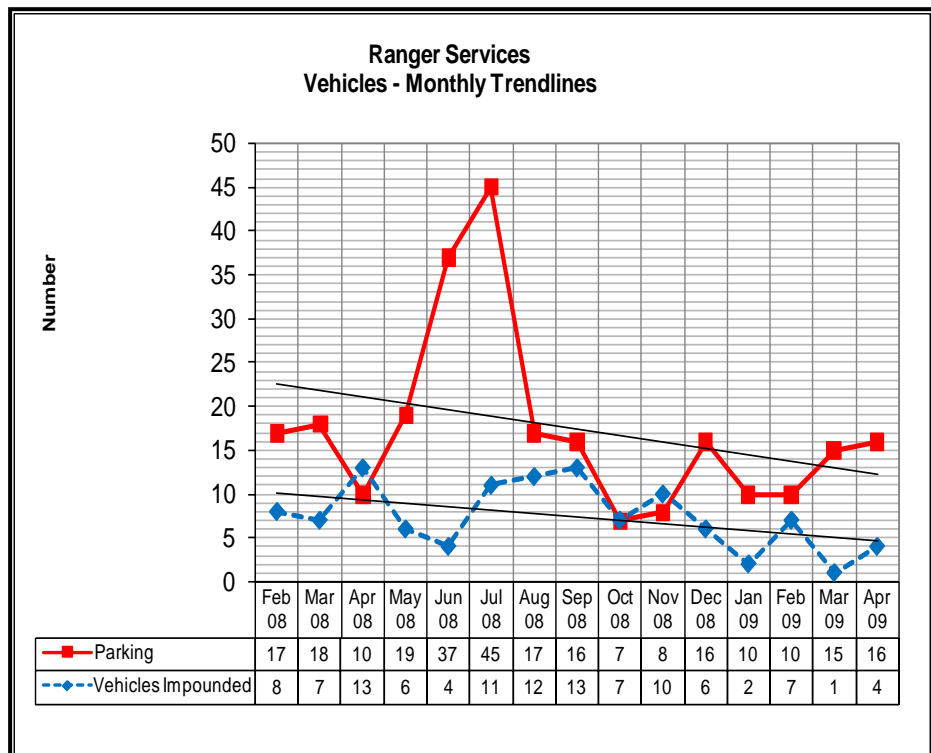
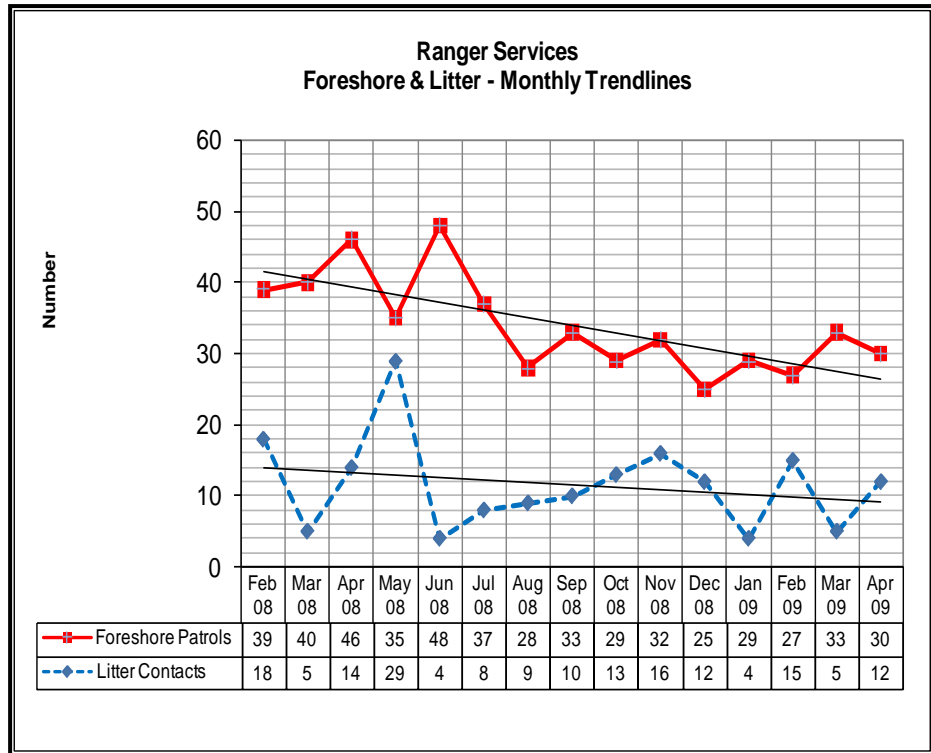
The "Let's Get Started!" program with the Spinifex Hill Arts held 2 week long workshops with an average of 12 people per workshop. The workshops are still being held at the Aboriginal Fellowship Church.

BHP held a function at the Gallery which brought 20 visitors to the gallery.



Environmental Health Services – Ranger Statistics





*Plan for the Future 2008-2013 Progress Report*

Council's Community & Regulatory Services Directorate has provided an update on the projects that they are currently managing (48 of the 110 strategies defined) in line with the current Plan for the Future 2008-2013. The attached report provides an update on the progress and status of the strategies within the C&RS Directorate.

Attachments

Plan for the Future Works Programme for Community & Regulatory Services for the period 1 July 2008 to 30 June 2009

200809/325 Council Decision/Officer's Recommendation

**Moved:** Cr K A Howlett

**Seconded:** Cr A A Gear

That Council receives the Community and Regulatory Services Report for April 2009.

*CARRIED 6/0*

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MCED	KRA 1 - Infrastructure Goal 2 - P&G Strategy 7		Investigate the development of a Community Vegetable Garden.										Start			Work to commence with appointment of replacement Community Development Officer (CDO) June 09.
MCED	KRA 2 - Community Pride Goal 1 - Litter Strategy 1		Work with community groups to develop community programs and initiatives that reduce litter and improving the appearance of Port and South Hedland.							Start					Comp	CDO will be working with with Tidy Towns to support and deliver Street Blitz, recycled drink containers, Clean Up Australia, and develop new initiatives
DCRS	KRA 2 - Community Pride Goal 1 - Litter Strategy 3		Review legislative alternatives that are available to Council to improve the visual appearances of untidy properties within Town. Implement agreed initiatives.									Start			Comp	Review commenced - Report to Council in June
MCED / MRS	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 2		Convert the JD Hardie Centre into a more youth focused facility. 2008 capital works program managed by MRS. Youth Precinct development project now managed by MCED													Architect concept drawings reworked following service provider and youth consultation. Now working on detailed design and documentation for tender process. Will be presented to Youth Facilities Working Group and Council - timeline being revised by architect to meet tender timeframes.  Upgrade of the carpark completed.
MCED	KRA 3 - Community Development Goal 1 - Youth & Children Strategy 6		Work with Stakeholders on initiatives that improve both the perception and the quality of education within the Town.									Start				Communication strategy to promote Hedland education being developed in conjunction with Hedland Education Forum. MCED now on Forum, works on Attraction & Retention sub-group - linkages to Welcome to Hedland events and community buddy system being set up for new teachers & families .
MEH	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 4		Explore opportunities for the development of an appropriate off-road/recreational driving area that is away from sensitive beach and dune areas.									Start			Compl	Geographic review completed and public consultation undertaken. Report to May Council Meeting.
MLIS	KRA 3 - Community Development Goal 2 - Sports & Leisure Strategy 5		Review library operations and locations develop a plan for the future operations of libraries in the Town.												Compl	Concept design brief for relocation of Port Hedland Library. First draft plan under review for finalisation in May 2009.
MEH	KRA 3 - Community Development Goal 3 - Health Strategy 3		Review Environmental Health service levels to the Town of Port Hedland and develop a Local Public Health Plan based on risk management principals.						Start						Compl	Draft plan completed should be ready by the end of June.
MCED	KRA 3 - Community Development Goal 3 - Health Strategy 5		Review the Town's Disability Service Plan and undertake actions to improve access to services and all facilities.												Compl	DAIP with community feedback incorporated was considered at April Council meeting and adopted. Community Consultation DAIP group set up, meets 2-monthly. Priority access issue - pathway to rear of Council building for after hours access - 0910 budget item request.
DCRS/ MCED	KRA 3 - Community Development Goal 4 - CSCP Strategy 1		Work with partners to engage a Community Safety & Crime Prevention Coordinator/Facilitator whose primary responsibility is to ensure the timely implementation of initiatives listed in the Town of Port Hedland Community Safety & Crime Prevention Plan.	Int 1		Int 2						Int 3				CSF Co-ordinator commenced 25 March 09, meeting agencies who are party to CSCP Plan. CSCP working group decided Top 3 priorities for 09: Perception of safety, CCTV, safe parks and walkways particularly South Hedland. These are priority projects for CSF.

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009																	
Legend		Cyclone Watch/Season															
Commenced Project																	
Milestones																	
Project Completed																	
On-going project																	
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS	
DCRS	KRA 3 - Community Development		Install CCTV and/or other appropriate security measures for identified crime and safety "hot spots".	Start							Scope					Contract awarded to Downer EDI Engineering at 22 April 09 Council Meeting. Contractor has commenced works. Variation to contract is required regarding construction of own tower in lieu of dual use of Telstra tower.	
	Goal 4 - CSCP											Tender					
	Strategy 4														Compl		
MCED / MRS	KRA 3 - Community Development		Work in partnership with government and other stakeholders to develop additional "pro-social" diversionary activities for young people.							Start						Followup Urban Art workshops planned for June/July to capture youth perspective on Hedland. Youth Fest in September 2009.	
	Goal 4 - CSCP																
	Strategy 5																
DCRS	KRA 3 - Community Development		Initiate the development of Board of Management to manage and operate Council funded facilities within the Courthouse Art Centre and Gallery precinct.	Start											Comp	Agreement has been undertaken with FORM Contemporary Art & Design to manage Courthouse from 1/9/08 - 30/8/09, whilst longer term agreement with PACDAC is being finalised.	
	Goal 5 - Arts & Culture			2007											Aug		
	Strategy 1														2009		
MCED	KRA 3 - Community Development		Develop a public art policy/strategy and install public art in key locations within the Town.	Start												Consultation with stakeholders is ongoing. Small working group of SHNL, BHPBIO, TOPH MCED and MIS, Creating Communities working on process for location and type of public art across town - map will be developed from this work to encourage public enjoyment of art works.	
	Goal 5 - Arts & Culture			July													
	Strategy 2			2007													
MCED / MIS / MES	KRA 3 - Community Development		Develop a unique entry statement to the Town. MIS developing landscaping for this project	Start											Landscaping	Artist Jahne Rees now commenced design and construct phase of artwork project artwork 'Scapism'. Preliminary landscaping commenced April. Delays have occurred in artwork as a result of difficulty in obtaining sign off from structural engineer - engineering footings drawings now completed, local sub-contractor to build these.	
	Goal 5 - Arts & Culture													compl			
	Strategy 3																
MCED	KRA 3 - Community Development		Undertake initiatives that both increase patronage levels and improve the financial performance of the Matt Dann Theatre.	Start								Compl				New ticketing system now installed. Review of frequency of cinema screenings to reduce loss has been effective.	
	Goal 5 - Arts & Culture																
	Strategy 4																
DCRS	KRA 3 - Community Development		Actively pursue the development of additional arts and cultural facilities within the Town including a new commercial cinema and an aboriginal arts facility.			Start									Compl	Indigenous Art classes commenced with FORM. Workspace now obtained at Aboriginal Fellowship Church.	
	Goal 5 - Arts & Culture																
	Strategy 5																
MCED	KRA 4 - Economic Development		Redevelop the visitor entry bays on the northern and southern roads entrances to the Town.				Start								Compl	Preliminary design work for Northern entry statement commenced in conjunction with Entry Statement art installation. Collaboration with PHVC re creating new billboards and tourist maps for information bay.	
	Goal 1 - Tourism																
	Strategy 3																
DCRS	KRA 4 - Economic Development		Identify sites for the development of new caravan park/eco tourism facilities (both permanent and temporary). Implement key priority projects.			Start									Compl	Feature survey of land adjacent to Cooke Point Caravan Park completed. Item raised at Council meeting of January 09 to initiate proceedings to acquire land for use as Caravan Park. Matter laid on the table.	
	Goal 1 - Tourism																
	Strategy 5																
MCED	KRA 4 - Economic Development		Work with the BEC, PHCCI and others to investigate the potential development of a Business Incubator and/or other small business development initiatives within the Town.							Start						Strategic planning done in conjunction with PDC Economic Development team to identify partnership opportunities. Enterprise development initiatives: business incubators explored with CCI, SBDC and PDC; enterprise development opportunities in hospitality and training with FMGL.	
	Goal 3 - Business Development																
	Strategy 1																
MCED / DCRS	KRA 4 - Economic Development		Develop Council policies and/or incentives that assist in attracting and retaining businesses within the Town of Port Hedland.								Start					Research commenced. Report to be considered by Council May.	
	Goal 3 - Business Development																
	Strategy 2																

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009																
Legend		Cyclone Watch/Season														
	Commenced Project		Project Completed													
	Milestones		On-going project													
Officer	Plan for the Future	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MP	KRA 4 - Economic Development		Work with the DPI to identify additional crown land that can be released for development in a timely manner.						Start							Draft Residential Rationalisation Plan presented to Council's May Informal Briefing Session. Budget request for Non-Residential component and Lands Officer to facilitate continued action in this goal area. DPI-SLS requested to release several lots in South Hedland.
	Goal 4 - Land Development Projects															
	Strategy 3													Compl		
MP	KRA 4 - Economic Development		Develop Local Planning Scheme No. 6								Start					Drafting work and informal consultation with Council and Community commenced. Progress Report proposed to June Council. Budget request for human resources lodged for 09/10 period. Est compl June 2010
	Goal 5 - Town Planning & Building															
	Strategy 2															
MP	KRA 4 - Economic Development		Develop Structure Plans for key precinct areas with a particular focus on the Spoilbank/Hospital/Hotel Precinct.							Start						Draft Interim Development Plan submitted for comment but to incomplete to present to Council – Additional information sought from applicant April 09 – follow up request May 09
	Goal 5 - Town Planning & Building															
	Strategy 3															
DCRS	KRA 6 - Governance		Work with the State and Federal Government to sustainably progress the implementation of the 2006 Bilateral Agreement on Services to Indigenous Community.	Start												Currently awaiting outcomes of service level review by State & Federal Government Agencies.
	Goal 2 - Traditional Owners & Aborig															
	Strategy 1															
DCRS	KRA 6 - Governance		Work with relevant agencies to implement an appropriate action plan to address community visitors including the development of a managed campground.		Start											Advice has been sought from AAWG as to site needs and design requirements. Access to land to be secured through DPI.
	Goal 2 - Traditional Owners & Aborig															
	Strategy 2													Compl		
MCED	KRA 6 - Governance		Install community noticeboards that advertise local services and events.						Start			Compl				10 display sites determined; 2 styles of display boards selected and ordered. Posters will be created in-house. MOU with shopping centres being developed. Trial poster printing Feb 09, Installation of static boards to be completed, electronic display Jun 09.
	Goal 3 - Communication															
	Strategy 3															
<b>ONGOING KRA'S</b>																
MP / CEO	KRA 2 - Community Pride		Work with key stakeholders to commence implementation of the south Hedland CBD Structure Plan to significantly improve the appearance and vitality of this area.													Structure Plan has been forwarded to WAPC for endorsement. Council has support the land activities (vesting, subdivision, amalgamations etc) to facilitate the Town Centre Development. LandCorp and the Administration continue to work with key stakeholders (partners) to implement the recommendations of the structure plan.
	Goal 1 - Litter															
	Strategy 4															
MCED	KRA 2 - Community Pride		Play an integral role in the coordination, operation and communication of community events via a range of strategies including:- Managing and operating at least six major community events per annum supporting community groups who are operating													Events ongoing - No remaining events for 08/09 calendar. Multicultural event and Welcome to Hedland Night May 09. Community calendar of events on-line, and distributed in hard copy at Welcome to Hedland BBQs. Youth Fest planned for Sept 09. Planning underway for Spinifex Spree on 24&25 July 09.
	Goal 2 - Events															
	Strategy 1															
MCED	KRA 2 - Community Pride		Work with community groups to implement neighbourhood competitions and events (eg Tidy Towns, Best Maintained Business, Best Gardens, Street Parties, Xmas Lights etc)													Tidy Towns Committee re-established. Ongoing liaison with Welcome to Hedland working group regarding other community pride events being undertaken.
	Goal 2 - Events															
	Strategy 2															
MCED	KRA 2 - Community Pride		Develop a well known, all inclusive calendar of community events.													Calendar has been on-line for 18 months Currently working to implement new, easier to manage and better presented event calendar. This will be available for community to access and to request their events to be added online.Hard copy of calendar distributed in Welcome to Hedland kits and at Welcome BBQs.
	Goal 2 - Events															
	Strategy 3															

PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009																
Legend		Cyclone Watch/Season														
	Commenced Project		Project Completed													
	Milestones		On-going project													
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
MCED	KRA 2 - Community Pride		Explore and actively seek to attract "draw card" events to the Town of Port Hedland.													Ongoing. Spinifex Spree 09 and Hedland's birthday next big events for 09/10.
	Goal 2 - Events															
	Strategy 4															
MBS	KRA 2 - Community Pride		Review, update and continue to implement Council's 5 year Civic Buildings Cyclical Maintenance and Captial Development Plan.													Ongoing for presentation as part of budget process.
	Goal 3 - Townscape															
	Strategy 2															
MCED	KRA 3 - Community Development		Work with stakeholders to develop a consolidated plan to improve the availability of Child Care (both centre based and Family Day Care) places available with the Town. Implement key initiatives in a timely manner.													Started 2006 - Ongoing project. PFDCS now based in Karratha due to Coordinator's relocation - working out very well as is regional role already, and more carers in other LGAs than Hedland although Hedland is priority growth target area for PFDCS for 09.
	Goal 1 - Youth & Children															
	Strategy 1															
MCED	KRA 3 - Community Development		Establish regular formalised consultation mechanisms between Council and Young People.													Hedland Youth Plan (HYP) community feedback completed - to be launched 28 July 09. Leadership Development Program for young leaders will be launched on 4 June 09.
	Goal 1 - Youth & Children															
	Strategy 3															
MCED	KRA 3 - Community Development		Ensure that the community has an opportunity to become involved in Council infrastructure projects such as park developments, tree planting, event planning etc.													Ongoing. Project group established Jan 09 by MCED and MID to coordinate and map elements of Council's POS and parks development, including public art. Community input mechanism being determined through this group - Is high priority with all projects. Printed Tour Guide to artworks, parks & playgrounds, including disabled facilities planned for 09/10.
	Goal 1 - Youth & Children															
	Strategy 4															
MCED	KRA 3 - Community Development		Work with key youth stakeholders to ensure that a range of events/functions are available for local youth including recreation, leisure, adventure and art/craft activities.													Currently MCED and 3 other agencies provide mentor support to members of HYLCC each meeting. Regular agenda items to develop youth based events. Ongoing project. ToPH MCED is chair HYSAG in 09 to coordinate youth service activities in Hedland and drive the Hedland Youth Plan priorities.
	Goal 1 - Youth & Children															
	Strategy 5															
MEH	KRA 3 - Community Development		Monitor commercial and industrial activities that have potential negative impacts on the community, and actively seek Department of Environment and Conservation enforcement of regulatory standards.													Ongoing. Working relationship has been established with DEC in Karratha.
	Goal 3 - Health															
	Strategy 4															
DCRS	KRA 3 - Community Development		In conjunction with the Police and other stakeholders, develop initiatives that discourage street drinking, littering, graffiti and other anti-social behaviour in public places and implement appropriate actions.													Introduced "Eyes on the Street" in Sept 07 Ongoing looking at other initiatives.
	Goal 4 - CSCP															
	Strategy 2															
MEH	KRA 3 - Community Development		Adopt a community based emergency risk management process for the Town, and co-ordinate the development of response plans to natural disasters through the Local Emergency Management Committee (LEMC)													Regular LEMC & LRCC are held and plans constantly reviewed and developed as well as exercises. Ongoing.
	Goal 4 - CSCP															
	Strategy 3															



PLAN FOR THE FUTURE WORKS PROGRAMME FOR COMMUNITY & REGULATORY SERVICES FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2009																
Legend		Cyclone Watch/Season														
Commenced Project																
Milestones																
Project Completed																
On-going project																
Officer	Plan for the Future Key Result Area / Goal / Strategy	A/c No.	Strategy	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	COMMENTS
DCRS / CEO	KRA 4 - Economic Development		Review all mining and port development proposals to ensure that any negative impacts on the community due to other construction or operational activities are minimised.													Ongoing
	Goal 2 - Mining															
	Strategy 2															
CEO / DCRS	KRA 4 - Economic Development		Fast track the release and development of commercial, industrial and residential land in a sustainable manner including: Pretty Pool Developments South Hedland New Living development various industrial land releas programs Moore St and West end Developments South Hedland CBD Developments Redevelopment of the Port Hedland Telstra/Water Corporation site.													Release of Pretty Pool Stage 4 completed.Ongoing release of residential land in South Hedland Concept plan for SH CBD endorsed by Council. Development of industrial land commenced due for completion Feb 09 Wilson St super log released for tender July 08 Morgan St development to be released to market Early 2009. Preliminary discussions held with Telstra/Water Corp re release of land in Spinifex Hill/Cooke Point.
	Goal 4 - Land Development Projects															
	Strategy 1															
MP	KRA 4 - Economic Development		Work with key stakeholders to ensure that the Land Use Master Plan is implemented.													Ongoing.
	Goal 5 - Town Planning & Building															
	Strategy 1															
MP	KRA 5 - Environment		Actively pursue the relocation of the Wedgefield Tox Free facility to a location that does not have the land use conflicts that the existing facility currently presents.													Ongoing.
	Goal 1 - Waste Management															
	Strategy 4															
MEH	KRA 5 - Environment		Support water re-use initiatives including residential re water reuse.													Ongoing. ToPH recycles 100% of its wastewater received. A new "Re-use Waste Water Manual" has been developed from which a check list for compliance to our DOH approval has been raised and sent to the Manager of Works to ensure compliance with that approval. A comprehensive water sampling programme has been developed and monthly samples are taken for analysis. A comprehensive water sampling programme has been developed and monthly samples taken for analysis. Grey water re-use systems are approved by the Dept of Health and will be considered by the ToPH on application.
	Goal 1 - Waste Management															
	Strategy 5															
MCED	KRA 6 - Governance		Investigate options to develop new and emergent leaders in our community.													HYLC established Oct 07 by HYSAG. MCED provides ongoing mentoring and support to HYLC weekly meetings. Leadership development program being developed, funded by Telethon Institute and OCP's Robin Hood funding. Leadership challenge weekend held Sept09. 1:1 program started to run young leaders course July to Nov 09.
	Goal 1 - Leadership															
	Strategy 2															
MEH	KRA 6 - Governance		Work with key agencies to review and develop Council policies in relation to fire prevention and fire management.													A new Ranger vehicle which doubles as a fire response unit has been requested in the 09/10 budget for consideration. A close working relationship with the fire services in Hedland has been established.
	Goal 5 - Policy & Legislation															
	Strategy 3															



*11.2.1.2 Delegated Planning, Building and Environmental Health Approvals and Orders for April 2009 (File No.: 18/07/0002 and 07/02/0003)*

**Officer** Nellie Mackay  
Executive Assistant  
Community and Regulatory  
Services

**Date of Report** 19 May 2009

**Disclosure of Interest by Officer** Nil

Summary

This item relates to the Planning, Building and Environmental Health approvals and Orders considered under Delegated Authority for the month of April 2009. A list of current legal actions is also incorporated.

Background

A listing of Planning, Building and Environmental Health approvals and Orders issued by Council's Planning, Building and Environmental Health Services under Delegated Authority for the month of April 2009 are attached to this report. Further to Council request a listing of current legal actions is also attached to this report.

**Consultation** Nil

Statutory Implications

Town of Port Hedland Delegation Register 2005 outlines the limitations of delegated authority and requires a list of approvals made under it to be provided to Council. This report is prepared to ensure Council is advised of the details of applications which have been dealt with under delegated authority.

**Policy Implications** Nil

**Strategic Planning Implications** Nil

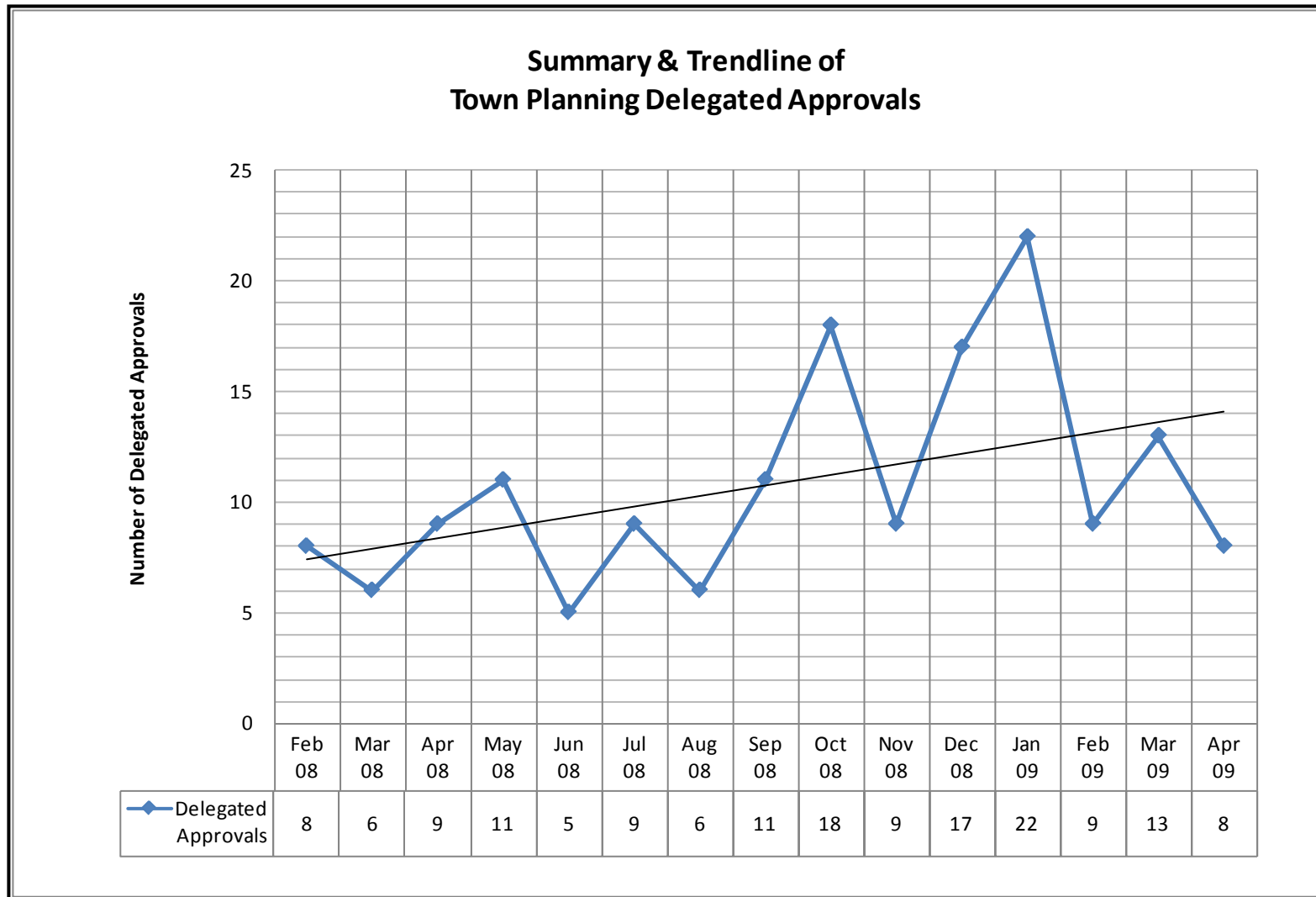
**Budget Implications** Nil

**Officer's Comment**

## DELEGATED PLANNING APPROVALS FOR APRIL 2009

<b>PLANNING APPROVALS</b>						
<b>Application Number</b>	<b>Application Date</b>	<b>Date Determined</b>	<b>Description</b>	<b>Address</b>	<b>Applicants Name</b>	<b>Owners Name</b>
2008/450	07/11/2008	17/04/2009	STORAGE FACILITY/ DEPOT/ LAYDOWN - FREIGHT DISTRIBUTION DEPOT	19 PINGA STREET WEDGEFIELD 6724	KINGSMILL ENTERPRISES	TOLL TRANSPORT
2008/519	23/12/2008	23/04/2009	GROUPED DWELLING - R CODES VARIATION - Second Dwelling	11 STANLEY STREET SOUTH HEDLAND 6722	J Jackson WHELANS (WA) PTY LTD	ROSSETTI & SON INVESTMENTS PTY LTD
2009/65	11/02/2009	03/04/2009	TRANSIENT WORKFORCE ACCOMMODATION - PORTHAVEN (1202 room facility)	LOT 2444 GREAT NORTHERN HWY (FMG CAMP) PORT HEDLAND AIRPORT AREA 6721	P Nugent	TOWN OF PORT HEDLAND
2009/84	03/03/2009	14/04/2009	GROUPED DWELLINGS - Two (2) grouped dwellings	7 LOGUE COURT SOUTH HEDLAND 6722	Julie Stocklinger & Associates	DEPARTMENT OF HOUSING AND WORKS
2009/126	23/03/2009	06/04/2009	DEVELOPMENT APPLICATION - single and multiple floor transportable style buildings to support construction workforce for RGP5 project at Turner Camp	LOC 136 FORREST LOCATION PORT HEDLAND AREA 6721	P Gregory	CROWN
2009/133	01/04/2009	28/04/2009	SINGLE HOUSE - R Code Variation - minimum front setback	10 MONKS PLACE PORT HEDLAND 6721	M Forbes	RICHARD POCHROJ
2009/189	20/04/2009	23/04/2009	LICENCE - Section 40 certificate for Esplanade Hotel	2-4 ANDERSON STREET PORT HEDLAND 6721	K Williams	BLOO MOONS PTY LTD
2009/190	22/04/2009	30/04/2009	PLACE OF PUBLIC MEETING, ASSEMBLY OR WORSHIP - shed addition 7m x 3.9m x 2.7m - exceeds height allowance of 2.4m	38 BAYMAN STREET (MANSE) PORT HEDLAND WA 6721	B. Elvery (Minister)	UNITING CHURCH

PLANNING APPROVALS SUMMARY



## DELEGATED BUILDING APPROVALS FOR APRIL 2009

<b>BUILDING LICENCES</b>						
<b>Licence Number</b>	<b>Decision Date</b>	<b>Locality</b>	<b>Description of Work</b>	<b>Estimated Construction Value (\$)</b>	<b>Floor area sq metres</b>	<b>Building Classification</b>
80494	09.04.2009	SOUTH HEDLAND	Outbuilding	\$5,000	4	Class 10a
80499	20.04.2009	SOUTH HEDLAND	Patio	\$16,000	25	Class 10a
80503	21.04.2009	PORT HEDLAND	Outbuilding	\$25,000	27	Class 10a
80507	28.04.2009	SOUTH HEDLAND	2 x Ablution Facilities	\$187,500	102	Class 10a
80516	29.04.2009	SOUTH HEDLAND	Outbuilding	\$1,800	9	Class 10a
85044	15.04.2009	SOUTH HEDLAND	Swimming Pool - B/G	\$25,000		Class 10b
85045	15.04.2009	SOUTH HEDLAND	Swimming Pool - B/G	\$19,500		Class 10b
85046	22.04.2009	SOUTH HEDLAND	Swimming Pool - B/G	\$20,000		Class 10b
80491	02.04.2009	PORT HEDLAND	Addition to Existing Dwelling	\$45,500	27	Class 1a
80492	03.04.2009	SOUTH HEDLAND	Dwelling	\$358,000	181	Class 1a
80493	06.04.2009	SOUTH HEDLAND	Dwelling	\$280,000	130	Class 1a
80498	17.04.2009	SOUTH HEDLAND	Dwelling	\$465,954	137	Class 1a
80496	17.04.2009	SOUTH HEDLAND	Dwelling	\$465,954	137	Class 1a
80502	20.04.2009	SOUTH HEDLAND	Dwelling	\$465,954	137	Class 1a
80501	20.04.2009	SOUTH HEDLAND	Dwelling	\$465,954	137	Class 1a
80500	20.04.2009	SOUTH HEDLAND	Dwelling	\$465,954	137	Class 1a
80505	23.04.2009	PORT HEDLAND	4 x Grouped Dwellings	\$1,600,000	724	Class 1a
80490	23.04.2009	PORT HEDLAND	Dwelling	\$595,000	180	Class 1a
80504	23.04.2009	SOUTH HEDLAND	Dwelling	\$409,600	248	Class 1a
80509	28.04.2009	SOUTH HEDLAND	Addition to existing Dwelling	\$18,000	4	Class 1a
80513	29.04.2009	SOUTH HEDLAND	Dwelling	\$400,000	184	Class 1a
80515	29.04.2009	SOUTH HEDLAND	Dwelling	\$400,000	180	Class 1a
80510	29.04.2009	SOUTH HEDLAND	Dwelling	\$333,000	102	Class 1a
80511	29.04.2009	SOUTH HEDLAND	Dwelling	\$324,000	102	Class 1a
80512	29.04.2009	SOUTH HEDLAND	Dwelling	\$328,000	102	Class 1a
80514	29.04.2009	SOUTH HEDLAND	Dwelling	\$400,000	180	Class 1a
80518	30.04.2009	PORT HEDLAND	Dwelling	\$638,750	325	Class 1a
80495	17.04.2009	WEDGEFIELD	Office	\$40,700	36	Class 5
80508	28.04.2009	WEDGEFIELD	Commercial Buildings - Various	\$3,000,000		Class 5
80506	28.04.2009	SOUTH HEDLAND	Shop Fitout	\$150,000		Class 6
80497	17.04.2009	WEDGEFIELD	1 x100m2 storage Shed	\$92,000	102	Class 7b
<b>31</b>	<b>TOTAL ESTIMATED CONSTRUCTION VALUE</b>			<b>\$12,042,120</b>		

## DELEGATED BUILDING APPROVALS FOR APRIL 2009

**DEMOLITION LICENCES**

Nil

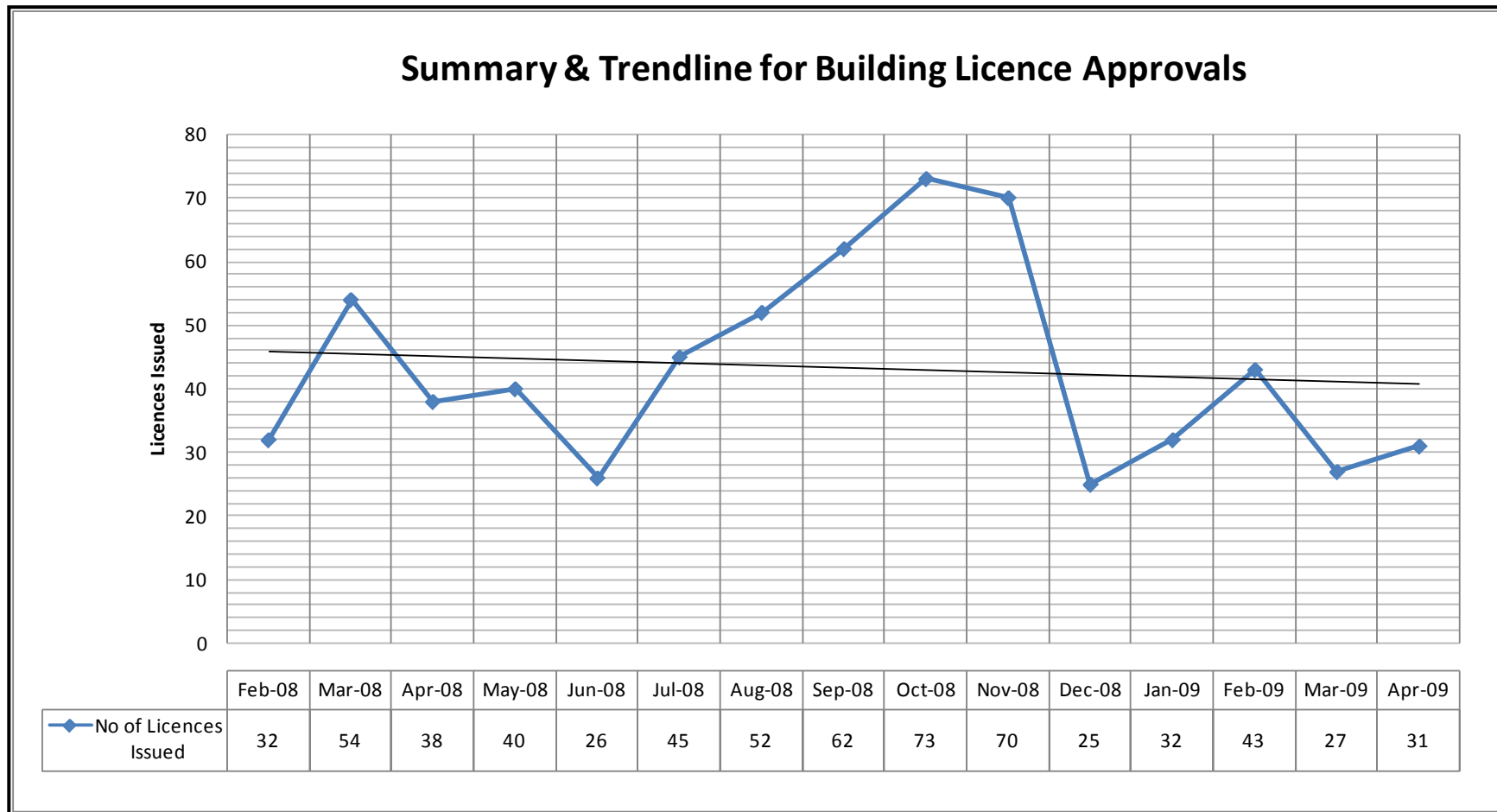
**SIGN LICENCES**

Nil

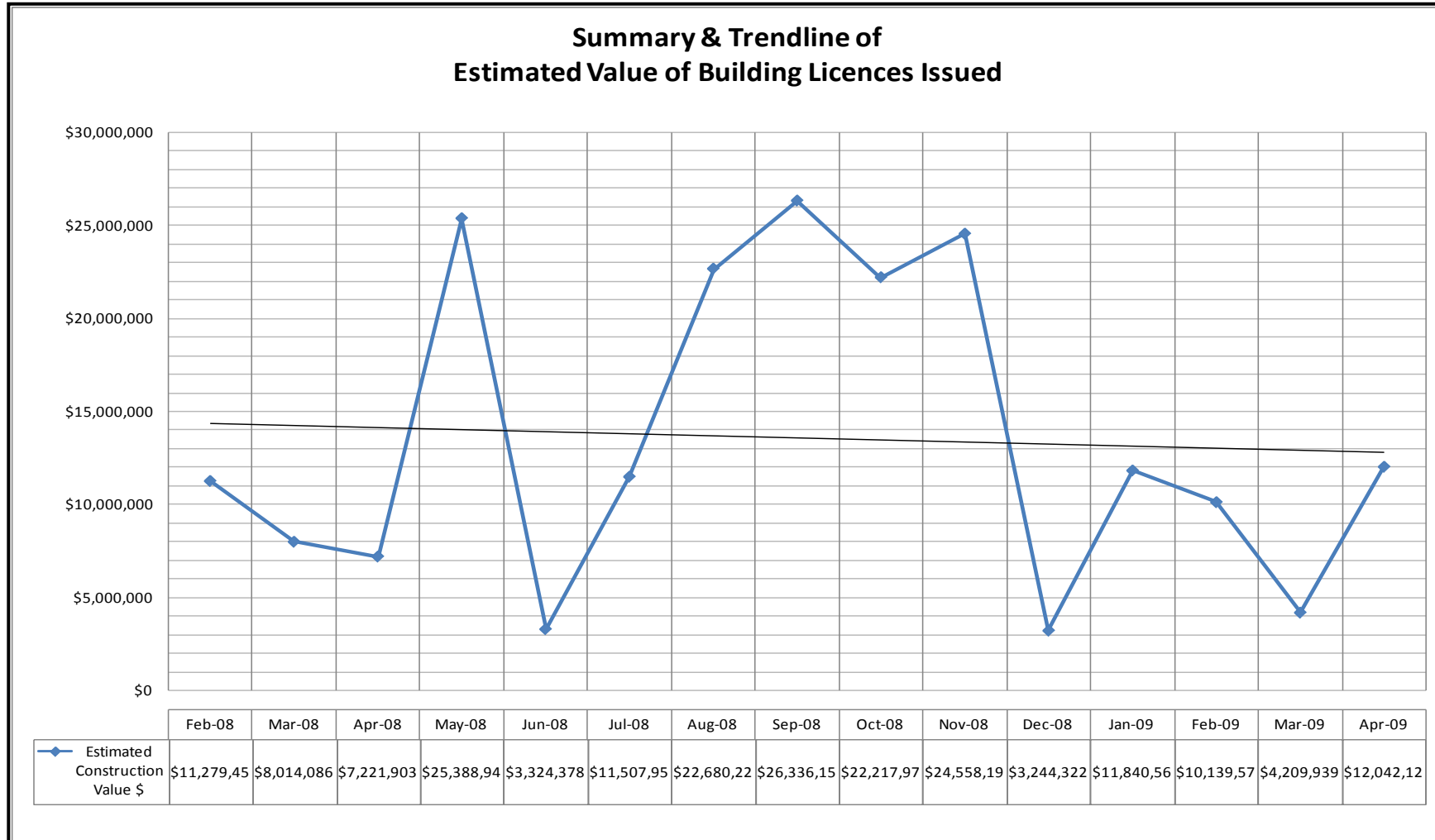
**SUMMARY**

<b>Number of Licences</b>	<b>Licence Type</b>	<b>Estimated Construction Value</b>	<b>Floor Area in square metres</b>	<b>Average cost per square metre</b>
0	Demolitions	\$0		
19	Dwellings	\$8,459,620	3353	\$2,527
5	Class 10a	\$235,300	167	\$1,409
3	Class 10b	\$64,500		
4	Commercial	\$3,282,700		
0	Other	\$0		
31		<b>\$12,042,120</b>		

DELEGATED BUILDING APPROVALS SUMMARY







DELEGATED ENVIRONMENTAL ORDERS FOR APRIL 2009

Current Health Orders under Delegated Authority by Environmental Health Services	
30 Weaver Place, South Hedland	Building Unfit for Human Habitation
207a & 207b Athol Street, Port Hedland	Health Notice to repair building

## CURRENT LEGAL MATTERS BEING UNDERTAKEN AS AT 30 APRIL 2009

<b>CURRENT LEGAL MATTERS</b>				
<b>WEDGEFIELD</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Current Status</b>	<b>Officer</b>
121670G	Lot 3 Trig Street (Yujnovich)	Non-compliance with planning conditions	~ Court hearing date 14/4/09 remanded until 25/5/09	MP
803175G	Lot 1402 (34) Pinnacles Street (National Tyres)	Illegal Residential dongas and office	~ Instruction & Docs sent to Solicitors 15 April 09 ~ Waiting for Court date to be allocated	MP
<b>REDBANK</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Action Required</b>	<b>Officer</b>
116750G	Lot 52 Redbank Road (Gravity Cranes)	Illegal use of the property for laydown area & repair of cranes & unauthorised buildings on site	~ Court hearing date 28/4/09 adjourned until 5/6/09	MP
116770G	Lot 134 Roche Road (Western Desert)	Illegal laydown area	~ Court hearing date 28/4/09 adjourned until 29/5/09	MP
<b>SOUTH HEDLAND RURAL ESTATE</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Action Required</b>	<b>Officer</b>
154412G	Lot 2 (5-7) Quartz Quarry Road (McPherson - Pilbara Earthmoving)	Earth Moving business & repairs being operated from the property	~ Court date 15/6/09	MP
154422G	Lot 11 (39 - 41) Greenfields Street (Outlook Contracting)	Illegal development and storage of heavy vehicles	~ Court hearing 11/8/09	MP
402730G	Lot 3518(6) Dongara Place (Smith)	2 Sea containers located within the front setback area	~ One of the sea containers have been removed ~ Court date 15/6/09	MP
<b>SOUTH HEDLAND</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Action Required</b>	<b>Officer</b>
	Nil			
<b>PORT HEDLAND</b>				
<b>File No.</b>	<b>Address</b>	<b>Issue</b>	<b>Action Required</b>	<b>Officer</b>
400330G	83 Athol Street (Oldenhuis)	Health - Asbestos removal	~ Court hearing date 28/4/09 adjourned until 29/5/09	MEH

**Attachments**

Nil

200809/326 Council Decision/Officer's Recommendation

**Moved:** Cr K A Howlett

**Seconded:** Cr G D Bussell

That the Schedule of Planning, Building and Environmental Health approvals and Orders issued by Delegated Authority for the month of April 2009 be received.

*CARRIED 6/0*

*11.2.1.3 North West Alliance Community Trust Deed (File No.: 20/01/0045)*

<b>Officer</b>	Terry Sargent Director Regulatory and Community Services
<b>Date of Report</b>	18 May 2009
<b>Disclosure of Interest by Officer</b>	Nil

Summary

North West Iron Ore Alliance (NWIOA) is seeking Council endorsement of a deed to establish the North West Alliance Community Trust.

Background

The North West Iron Ore Alliance (NWIOA) has provided a copy of a draft deed to establish a trust to benefit women and youth in Port Hedland and surrounding districts.

NWIOA's Members consist of Atlas Iron Limited, BC Iron Limited, Brockman Resources Limited, FerrAus Limited and such other persons as may become members from time to time.

Membership of the Board of Trustees of the North West Alliance Community Trust, shall consist of:

- The Chief Executive of the NWIOA of his/her nominee;
- The Chief Executive of the Town of Port Hedland or his/her nominee;
- The Managing Director of Atlas Iron Limited or his/her nominee;
- The Managing Director of BC Iron Limited or his/her nominee;
- The Managing Director of Brockman Resources Limited or his/her nominee;
- The Managing Director of FerrAus Limited or his/her nominee.

Under the deed the Town of Port Hedland is to undertake the day to day operations of the Trust and is to attend to such other matters as provided for in the deed in accordance with the directions of the Board.

Consultation

Communication has been established with the Deputy Chairman and Chief Executive of The North West Iron Ore Alliance.

### Statutory Implications

Although Council has been asked to endorse the trust deed, and nominate the CEO or his nominee to sit on the board of trustees, Council shares limited liability in relation to the trust.

Policy Implications Nil

Strategic Planning Implications Nil

### Budget Implications

Under the proposal the cost of administering the trust would be borne by the Town of Port Hedland, but this cost, while not yet quantified, would be minimal and require no additional budget allocation.

### Officer's Comment

The proposed Trust Deed is substantially in accordance with Council's aspirations in relation to community contributions from resource companies operating in and around the Town of Port Hedland.

This fund is to provide assistance to projects that benefit women and youth in Port Hedland and surrounding districts. This distinguishes the proposed trust from other partnerships and funding agreements currently in place and will provide additional impetus to community development within the Town.

A draft trust deed has been provided for review (attachment 1) and clarification was sought on the following matters within the draft trust deed:

- Title
- Purposes
- Other powers
- Membership of the Board
- Proceedings of the Board
- Notice for meetings
- Advisory Committees

In response the NWIOA provided the following advice about the draft document. The response shows a great willingness to work with the Town of Port Hedland to achieve the best possible outcome for the community.

***Title:*** The words 'iron ore' have deliberately been omitted. ie 'The North West Alliance Community Trust' is the correct name. We want other businesses (not just iron

ore miners) to have the opportunity to contribute to, and be part of the Trust.

**Purpose:** [NWIOA] comfortable inserting a clause into the Trust Deed along the following lines: "In pursuing the Principal Purpose the Trustee will ensure the Trust works in a manner which is not inconsistent with the community objectives outlined in the Town of Port Hedland's Strategic Plan / Annual Budget priorities."

**Other Powers:** We intend the Trust to allow donations of shares, options and other assets. The intention is not to restrict possible donations of value irrespective of the nature of those donations. We're hoping the Trust will be seen by different businesses as a vehicle through which they can assist the community. Therefore, it's important not to restrict the manner in which a business might make a donation to the Trust.

**Membership of the Board:** [NWIOA] would prefer to have only one representative from each stakeholder at meetings if at all possible. [is] more than happy to change the membership such that it is the Mayor (or nominee) rather than the CEO to ensure Council is represented directly.

**Proceedings of the Board:** I am comfortable inserting a para into clause 6.2 with the following words: "Attendance at Board meetings via teleconference is permitted for any Board member."

Am comfortable amending the number of days notice for meetings from 5 days to say 10 days

**Advisory Committees:** I am comfortable inserting a para into clause 11 which reads something like: "Prior to establishing an Advisory Committee, the Trustee shall consult with the Town of Port Hedland's Mayor to ensure the intended activities of the Advisory Committee are not inconsistent with the objectives or activities of the Town of Port Hedland's Council."

The changes proposed in the response from NWIOA would assist the operational activities of the trust but will not materially impact on the ability of the trust to achieve its objectives and are not seen as a basis for delay in endorsing the draft trust deed.

It is felt that the Chief Executive Officer or his nominee would be appropriate representatives of Council, given the range of responsibilities that members of the Board of Trustees will exercise, however the views of the NWIOA were sought and should Council prefer to have the Mayor or his nominee as a representative that would be acceptable also.

Attachments

North West Alliance Community Trust Deed

Officer's Recommendation

That Council:

- i) endorse the draft North West Alliance Community Trust Deed; and
- ii) recommend the Chief Executive Officer or his nominee to be a member of the Board of Trustees of the North West Alliance Community Trust.

200809/327 Council Decision

**Moved:** Cr K A Howlett

**Seconded:** Cr A A Gear

That Council:

- i) endorse the draft North West Alliance Community Trust Deed; and
- ii) recommend the Mayor or his nominee to be a member of the Board of Trustees of the North West Alliance Community Trust.

*CARRIED 5/1*

REASON: Council preferred the Mayor or his nominee to be a member of the Board of Trustees of the North West Alliance Community Trust, and amended Clause ii) of the Officer's Recommendation accordingly.

ATTACHMENT TO AGENDA ITEM 11.2.1.3

**pullinger  
readhead  
lucas** | COMMERCIAL  
LAWYERS

**NORTH WEST ALLIANCE  
COMMUNITY TRUST DEED**

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50 Kings Park Road | West Perth WA 6872  
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Australia | F: (08) 9320 4900  
E: [info@prllawyers.com.au](mailto:info@prllawyers.com.au)  
REF: CLR:AJ | [www.prllawyers.com.au](http://www.prllawyers.com.au)  
MATTER: 90507



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This deed of trust is entered into by the following parties:

**Craig Lesley Readhead**  
("Founder")

**ATLAS IRON LIMITED** (ACN 110 396 168), PO Box 223, WEST PERTH WA 6005.

**BC IRON LIMITED** (ACN 120 646 924), GPO Box 2811, PERTH WA 6001.

**BROCKMAN RESOURCES LIMITED** (ACN 009 372 150), Level 1, 117 Stirling Highway, NEDLANDS WA 6009.

**FERRAUS LIMITED** (ACN 097 422 529), 100 Mill Point Road, SOUTH PERTH WA 6151  
(together, the "Trustee")

#### BACKGROUND:

- A. Atlas Iron Limited, BC Iron Limited, Brockman Resources Limited and FerrAus Limited wish to establish a fund to provide assistance to projects that benefit women and youth in Port Hedland and surrounding districts.
- B. The Founder has paid the Settled Sum to the Trustee to hold on the trusts outlined in this deed.

#### OPERATIVE PART:

The parties agree in consideration of, among other things, the mutual promises contained in this deed:

---

#### 1 NAME

The Trust is to be known as the North West Alliance Community Trust.

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#### 2 DEFINITIONS AND INTERPRETATIONS

##### 2.1 Definitions

In this deed:

"Accounting Period" means the period from the date of this deed to the following 30 June and then each period of 12 months ending on 30 June in each year, or any other period that the Trustee decides;

"Advisory Committee" means any committee that may (from time to time) be established under clause 11;

“Board” means the board of Trustees;

“NWIOA” means the North West Iron Ore Alliance comprising of the NWIOA Members;

“NWIOA Members” means Atlas Iron Limited, BC Iron Limited, Brockman Resources Limited, FerrAus Limited and such other persons as may become members from time to time;

“Principal Purpose of the Trust” means the purpose outlined in clause 4;

“Settled Sum” means \$10;

“Trust” means the Trust established under this deed;

“Trustee” means the person named in this deed as the Trustee and any other trustee for the time being of the Trust; and

“Trust Fund” means:

- (a) the Settled Sum;
- (b) all money, investments and assets paid or transferred to and accepted by the Trustee as additions to the Trust Fund;
- (c) all accretions to the Trust Fund;
- (d) all accumulations of income; and
- (e) the money, investments and property from time to time representing the above or into which they are converted,

and includes any part of the Trust Fund.

## 2.2 Interpretation

In this deed unless the context requires otherwise:

- (a) the singular (including defined terms) includes the plural and the plural includes the singular, and words of any gender include all genders;
- (b) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate and any governmental agency;
- (c) a reference to this deed means this deed as originally executed and as from time to time lawfully amended; and
- (d) a reference to any legislation or a provision of any legislation includes any amendment to that legislation or provision, any consolidation or replacement of that legislation or provision and any subordinate legislation made under that legislation.

### 2.3 Headings

Headings are used for convenience only and do not affect the interpretation of this deed.

---

## 3 DECLARATION OF TRUST

The Founder and the Trustee declare that the Trustee must hold the Trust Fund and the income from the Trust Fund on the trusts, with the powers and subject to the provisions in this deed.

---

## 4 PURPOSES

### 4.1 Objectives of the Trust

The Trust is established to provide assistance by way of gift, loan, or any other manner or form, to projects that benefit women and youth in Port Hedland and surrounding districts.

### 4.2 Application of income and capital

The Trustee must hold the Trust Fund and the income of the Trust Fund derived in each Accounting Period on trust to pay or apply the income and, if and so far as it thinks fit, all or any part of the capital of the Trust Fund, solely for the purpose of providing money, property or benefits in accordance with the Principal Purpose as the Trustee decides.

### 4.3 Policies and rules

For the purpose of paying or applying the income or capital, the Trustee may:

- (a) formulate policies;
- (b) make rules in connection with a policy; and
- (c) revoke or amend a policy or rule and formulate others.

---

## 5 TRUSTEE'S POWERS

### 5.1 Investment

The Trustee must invest money of the Trust Fund only in a way in which trustees are permitted to invest under the laws of Australia or of any state or territory of Australia.

### 5.2 Other powers

The Trustee may, with the consent of the Board:

- (a) change an investment for any others or vary the terms and conditions on which an investment is held;

- (b) sell or otherwise dispose of the whole or any part of the investments or property of the Trust Fund;
- (c) borrow or raise or secure the payment of money and secure the repayment of any debt, liability, contract, guarantee or other engagement in any way and, in particular, by mortgage, charge, lien, encumbrance, debenture or other security, fixed or floating, over any present or future asset of any kind and wherever situated;
- (d) take and act on the opinion of a barrister practising in Australia in relation to the interpretation or effect of this deed or any of the trusts or powers of this deed without responsibility for any loss or error resulting from doing so, but this provision does not stop the Trustee from applying to a court of competent jurisdiction;
- (e) take any action for the adequate protection or insurance of any part of the Trust Fund;
- (f) purchase, draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, and other negotiable or transferable instruments of any kind;
- (g) subject to the trusts of this deed, generally:
  - (i) perform any administrative act; and
  - (ii) pay or deduct all costs, charges, commissions, stamp duties, imposts, outgoings and expenses of or incidental to the Trust Fund or its management (whether or not the Trustee is under any legal obligation to make the payment) or in connection with the preparation, execution and stamping of this deed, as though the Trustee were the absolute owner of the Trust Fund and the income of the Trust Fund;
- (h) attract and encourage donations, gifts (by will or otherwise), endowments, trust distributions and other forms of financial assistance to or for the benefit of the Trust;
- (i) employ and pay or provide any benefit for any employee without being responsible for the default of the employee or for any loss occasioned by the employment;
- (j) engage and pay any agent, contractor or professional person without being responsible for the default of the agent, contractor or employee or for any loss occasioned by the engagement;
- (k) sponsor, organise and undertake fund raising activities and arrange for the issue of appeals to the public for donations;
- (l) accept as part of the Trust Fund any gifts (by will or otherwise), donations, settlements or other dispositions in money, moneys worth or property to or in favour of the Trust Fund and either retain them in their original form without

selling or converting them into money, or invest, apply or deal with them in any way that the Trustee may invest, apply or deal with the Trust Fund under this deed;

- (m) decline or otherwise refuse to accept as part of the Trust Fund any gift (by will or otherwise), donation, settlement or other disposition in money, moneys worth or property;
- (n) manage any real property it holds with all the powers of an absolute owner;
- (o) do all other things incidental to the exercise of the Trustee's powers under this deed.

### 5.3 Powers are supplementary

The powers and discretions in clause 5.2 are to be treated as supplementary or additional to the powers vested in trustees by law.

---

## 6 THE BOARD OF TRUSTEES

### 6.1 Membership of the Board of Trustees

- (a) The Board, at all times, shall consist of:
  - (i) the Chief Executive of the NWIOA or his/her nominee;
  - (ii) the Chief Executive of the Town of Port Hedland or his/her nominee;
  - (iii) the Managing Director of Atlas Iron Limited or his/her nominee;
  - (iv) the Managing Director of BC Iron Limited or his/her nominee;
  - (v) the Managing Director of Brockman Resources Limited or his/her nominee;
  - (vi) the Managing Director of FerrAus Limited or his/her nominee.
- (b) If the requirement in clause 6.1(a)(i) is at any time not met, the Trustee must not exercise any discretion or power until the requirement is met or except:
  - (i) for the purpose of exercising a statutory power to appoint a new or additional Trustee;
  - (ii) to protect the Trust Fund; or
  - (iii) in the case of emergency.
- (c) The Chief Executive of the NWIOA or the nominee of the Chief Executive of the NWIOA appointed under clause 6.1(a)(i) shall be the chair of the Board. Unless the Board otherwise decides, the Chief Executive of the Town of Port Hedland or

**his/her nominee** appointed under clause 6.1(a)(ii) shall be the secretary to the Board.

## 6.2 Proceedings of the Board

- (a) The Board shall meet together for the dispatch of business not less than quarterly and any Board member may at any time convene a meeting of the Board provided that the Board member has the prior consent of the chair.
- (b) In convening a meeting under clause 6.2(a), the Board member convening the meeting shall give written notice to all other members of the Board not less than 5 days before the Board meeting.
- (c) At the Board meeting, a minimum of 50 per cent of Board members constitute a quorum.
- (d) Each Board member has a deliberative vote.
- (e) Subject to clause 6.2(f), and unless otherwise stipulated in this deed, resolutions by the Board shall be by ordinary majority of the members at that meeting and in the case of equality of votes, the chair has the deciding vote.
- (f) If the chair reasonably considers that a Board motion is contrary or detrimental to the interests of the NWIOA or any NWIOA Member, the chair may decline the motion and the motion shall not be put to a vote. If the chair declines the motion, the chair may propose an alternative motion.
- (g) The chair shall determine the procedure and order of business to be followed at the Board meeting.

## 6.3 Minutes of the meetings of the Board

- (a) The secretary shall cause proper minutes of all proceedings of all Board meetings to be taken and then entered within 30 days after holding of the Board meeting in a minute book kept for that purpose.
- (b) The chair shall ensure that the minutes taken of a Board meeting under clause 6.3(a) are checked and signed as correct by the chairman of the Board meeting to which those minutes relate.

## 6.4 Day to day operations

Unless the Board otherwise decides, the **Town of Port Hedland** (with the assistance, where necessary, of officers of the Town of Port Hedland) is to undertake the day to day operations of the Trust and is to attend to such other matters as provided for in this deed in accordance with the directions of the Board.



---

**7 REMOVAL, APPOINTMENT AND RESIGNATION OF TRUSTEE**

- (a) The Board shall be vested with the following powers:
- (i) to appoint a new Trustee or new Trustees; and
  - (ii) to remove any Trustee at any time or times and from time to time; and
    - (A) if at any time there are 2 or more Trustees such powers of all removal and appointment shall extend to the removal of all of the Trustees except one without the need to replace the Trustee or Trustees who has or have been removed and to the removal of all of the Trustees and the appointment of just one Trustee in their place; and
    - (B) such power of appointment of new Trustees shall extend to the appointment of a new Trustee in the place of any Trustee ceasing for any reason whatsoever to be a Trustee and also to the appointment of an additional Trustee or additional Trustees up to any number subject to such limit (if any) as may for the time being be imposed by law,
- provided that:
- (C) if at any time there is only one Trustee the removal of that Trustee shall not be effected otherwise than simultaneously with the appointment of a new Trustee or new Trustees in his or her place;
  - (D) the person or persons in whom such powers are for the time being vested may only appoint himself or herself or themselves to be a Trustee or Trustee with the unanimous consent of the Board.
- (b) Any Trustee may at any time resign the trusteeship on giving not less than 2 months' notice addressed to the Board.
- (c) The office of a Trustee shall be ipso facto determined and vacated if such Trustee being an individual who becomes bankrupt or makes any arrangement or composition with his or her creditors generally or if such Trustee being a corporation shall have a receiver, administrator or an official manager appointed or enter into liquidation whether compulsory or voluntary (not being merely a voluntary liquidation for the purposes of amalgamation or reconstruction).
- (d) A Trustee shall be a Trustee for a term of 12 months after which time the Trustee shall retire and a new Trustee shall be appointed in accordance with clause 7(a)(i). The retiring Trustee is not precluded from immediate reappointment under clause 7(a)(i).

---

**8 LIABILITY FOR BREACHES OF TRUST**

The Trustee, where purporting to act in the exercise of the trusts of this deed or exercise powers or discretions under this deed is:

- (a) not liable for any loss or liability; and
- (b) entitled to be indemnified from the Trust Fund in respect of any loss or liability, unless the loss or liability is attributable to:
  - (c) the dishonesty of the Trustee; or
  - (d) the wilful commission or omission of an act known by the Trustee to be a fraudulent breach of trust in bad faith.

**8.2 Officers, agents or employees**

Any officer, agent or employee of the Trustee purporting to exercise powers or discretions under this deed is:

- (a) not liable for any loss or liability; and
- (b) entitled to be indemnified from the Trust Fund in respect of any loss or liability, unless the loss or liability is attributable to:
  - (c) the dishonesty of that officer, agent or employee of the Trustee; or
  - (d) the wilful commission or omission of an act known by that officer, agent or employee of the Trustee to be a fraudulent breach of trust in bad faith.

---

**9 INDEMNITY OF TRUSTEE FROM TRUST FUND**

The Trustee is entitled to be indemnified out of the Trust Fund in respect of:

- (a) all costs and expenses incurred by the Trustee relating to:
  - (i) entering into this deed or any deed amending this deed;
  - (ii) establishing, operating, administering, amending, terminating and winding up the Trust; or
  - (iii) all matters incidental to the Trust; and
- (b) all liability incurred (including liability for income tax and any other taxes and all fines and penalties payable in relation to those taxes) and acts and things done in connection with or resulting from the matters referred to in clause 7(a) including, but not limited to, the Trustee performing its duties and exercising its powers and discretions under this deed.

---

**10 BOOKS OF ACCOUNT AND RECEIPTS****10.1 Trustee to keep accounts**

The Trustee must keep or cause to be kept proper accounts in respect of all receipts and payments on account of the Trust Fund and of all dealings connected with the Trust Fund.

**10.2 Financial statements**

As soon as practicable after the end of each Accounting Period the Trustee must prepare or cause to be prepared a financial statement showing the financial position of the Trust Fund at the end of that Accounting Period.

**10.3 Audit**

The financial statement must be audited by a person registered, or taken to be registered as an auditor under Part 9.2 of the Corporations Act 2001

**10.4 Receipts**

Receipts issued for gifts must state:

- (a) the name of the Trust Fund;
- (b) the Australian Business Number applicable to the Trust; and
- (c) the fact that the receipt is for a gift.

---

**11 ADVISORY COMMITTEES**

- (a) The Trustee may establish Advisory Committees and appoint and remove, or make provision for the appointment and removal of, members of Advisory Committees.
- (b) Each Advisory Committee may consist of a single individual or the number of individuals that the Trustee decides.
- (c) The functions of each Advisory Committee will be decided by the Trustee and, subject to the Trustee's decision, will be to advise the Trustee on how payments or applications of income and capital should be made under clause 4.
- (d) The Trustee may specify:
  - (i) the manner in which proceedings of each Advisory Committee are to be conducted;
  - (ii) the matters which the Advisory Committee must have regard to in carrying out its functions; and

- (iii) any other matters concerning the Advisory Committee or its functions that the Trustee decides.

---

**12 PATRONS**

The Trustee may appoint any person as a patron of the Trust.

---

**13 TRUSTEE'S REMUNERATION**

The Trustee may charge and be paid out of any part of the capital or income of the Trust Fund the remuneration that the Trustee considers to be fair and reasonable. However, the maximum remuneration chargeable by the Trustee in respect of any Accounting Period must not exceed an amount equal to the maximum commission chargeable by trustee companies under the Trustee Companies Act 1987 (WA) in respect of that Accounting Period.

---

**14 GENERAL****14.1 Receipts by others**

The receipt of the person purporting to be the treasurer, secretary or other proper officer of any recipient of a payment or application of income or capital from the Trust Fund is a sufficient discharge to the Trustee and the Trustee need not see to the application of the payment or application.

**14.2 Trustee must act in accordance with directions of the Board**

Subject always to the Trustee's duties as a trustee of the Trust, the Trustee must act in accordance with the directions of the Board.

**14.3 Personal interest of Trustee**

The Trustee and any person who is a member of any other controlling committee of the Trustee or a member of the Trustee may exercise or concur in exercising all powers and discretions given by this deed or by law even though the Trustee or that person:

- (a) has or may have a direct or personal interest or a conflict of fiduciary duty in the method or result of exercising the power or discretion; or
- (b) may benefit either directly or indirectly from the exercise of any power or discretion,

and even if the Trustee is a sole trustee.

**14.4 Delegation of powers**

The Trustee may by power of attorney or otherwise delegate to any person any of the discretions or powers given to it under this deed. The exercise of any of the discretions or

powers of this deed by an attorney or delegate is valid and effectual and binds all persons interested under this deed.

#### 14.5 Trustee's receipts

The Trustee may receive money and other property and give valid receipts for all purposes including:

- (a) those of any statute; and
- (b) the receipt of any capital money which may or may not be deemed to be capital money for the purposes of any law relating to settled land,

and even if the Trustee is a sole trustee.

#### 14.6 Trustee's decisions

The Trustee may decide:

- (a) whether any money is to be considered as capital or income;
- (b) whether any expense, outgoing or other payment ought to be paid out of capital or income; and
- (c) all questions and matters of doubt arising in the execution of the trusts of this deed.

Every decision on these matters, whether made on a question actually raised or implied in the acts or proceedings of the Trustee, is conclusive and binds all persons interested under this deed.

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### 15 WINDING UP

If on the winding up of the Trust any property remains after the satisfaction of all its debts and liabilities, the Trustee must pay or apply the property as the Trustee decides in accordance with the Principal Purposes of the Trust.

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### 16 GOVERNING LAW

This deed is governed by the laws of Western Australia.

Executed as a deed on 2009.

SIGNED by [\*]  
in the presence of:

\_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name of Witness (print)

EXECUTED by [\*]  
in accordance with section 127 of the  
Corporations Act by:

\_\_\_\_\_  
Secretary/Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Name of Secretary/Director (print)

\_\_\_\_\_  
Name of Director (print)

*NOTE: Director Regulatory and Community Services disclosed an interest in Agenda Item 11.2.1.4 'Advertising Junk Mail - Litter Prevention', as his fiancé is the proprietor of a business that undertakes advertising via letter/pamphlet deliveries to householders from time to time.*

*11.2.1.4 Advertising Junk Mail - Litter Prevention (File No.: 20/02/002)*

**Officer** Terry Sargent  
Director Regulatory and  
Community Services

**Date of Report** 19 May 2009

Disclosure of Interest by Officer

The report author is engaged to the proprietor of a business which has, in the past, used direct mail distribution for advertising material.

Summary

This report canvasses options available to Council in order to minimize the potential for litter arising from the inappropriate distribution of junk mail.

Background

At its ordinary meeting of 25 March 2009 council received a question without notice which asked:

*“In relation to junk mail, can Council consider implementing a policy or by-law for a ‘once-a-week’ junk mail delivery, that may tie in with timing of local newspaper delivery, rather than residents receiving junk mail regularly that is not delivered to letter boxes?”*

Legal advice was sought as to the options available to Council should it wish to adopt local laws and seek to manage the issue by legislative means.

No consideration has been given to the adoption of a Council policy because such a policy can not bind or limit the activities of businesses, individuals or other parties external to Council.

Council’s legal advice (attachment 1) confirms that it *may* be possible to adopt a local law to regulate the delivery of advertising material, (junk mail) but highlights that there is no precedent within Australian legal jurisdictions. (This may be because Port Hedland is breaking new ground on the issue, or because others, having investigated the alternatives over the past decade or more, have found the legislative option to be unworkable or undesirable).



The advice highlights the potential for the Parliamentary Joint Standing Committee on Delegated Legislation to disallow such a local law should it be deemed to impinge on the private rights of local business proprietors. It also raises the issue of the potentially onerous administrative/enforcement burden required to ensure compliance with local laws.

The conclusions of Councils Lawyers are, in summary:

- Council has the power to adopt a local law
- Any Local Law needs approval of the Parliamentary Joint Standing Committee on Delegated Legislation
- A Local Law would need to be drafted rather than copied from model text or existing local laws
- If a Local Law is adopted it should target the deliverer rather than the advertiser. This however is still problematic.
- Notwithstanding the problems it may still be possible (subject to the evidence) to prosecute effectively. It is noted that many of those involved in the distribution of junk mail are minors and the lawyers' advice sounds a very clear cautionary note in relation to taking action in the children's court.
- It is far from certain that the Parliamentary Joint Standing Committee on Delegated Legislation will allow such a local law and it will require further research (and expense) to gain that certainty.

The legal advice, in accordance with Council's instructions, does not address the Councils powers under the Litter Act 1979, where litter, the causing of which is an offence under the Act, is defined as "*...any articles or material abandoned or unwanted by the owner or the person in possession thereof...*"

The Litter Act also prescribes that any person who deposits litter, or causes litter to be deposited, on any land ..... commits an offence *unless the litter is deposited* —

- (a) on private land *by consent*;
- (b) in an appointed area;[in this instance a mail box without a sign to the contrary]
- (c) in a place or receptacle set aside or provided for that purpose; or
- (d) on land adjacent to private land *by arrangement with, or at the invitation of, a public authority* with a view to the litter being collected and removed by the public authority.

(Penalty: \$1,000.)