

**TOWN OF PORT HEDLAND**  
**TOWN PLANNING SCHEME NO. 5**  
**AMENDMENT NO. 59**

PREPARED BY

**WHELANS TOWN PLANNING**

SEPTEMBER 2012

**TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME NO. 5**

**AMENDMENT NO. 59**

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**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

**TOWN OF PORT HEDLAND  
TOWN PLANNING SCHEME NO. 5**

**AMENDMENT No. 59**

The Town of Port Hedland under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Rezoning Lots 362, 460, 461, 465, 466, 467, 468, 470, 471, 523, 555, 581, 834, 1438, 1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 & 1442 Stocker Street and Lots 8 & 9 McKay Street from 'Industry' to 'Mixed Business'.
2. Including the indentified lots within Appendix 12 – Mixed Business Zone Non-Permitted Use and Development of the Scheme Text with the following provisions:

Appendix 12 – Mixed Business Zone Non-Permitted Use and Development

No.	Description of Land	Conditions
1	Lot 362 Anderson Street, Port Hedland	Aged or Dependent Person Dwelling;
	Lot 460 Anderson Street, Port Hedland	Caretakers Dwelling;
	Lot 461 Anderson Street, Port Hedland	Grouped Dwelling;
	Lot 465 Anderson Street, Port Hedland	Home Occupation;
	Lot 466 Anderson Street, Port Hedland	Multiple Dwelling;
	Lot 467 Anderson Street, Port Hedland	Residential Building; and
	Lot 468 Anderson Street, Port Hedland	Single House
	Lot 470 Anderson Street, Port Hedland	
	Lot 471 Anderson Street, Port Hedland	

Lot 523	Anderson Street,	Port Hedland
Lot 555	Anderson Street,	Port Hedland
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Lot 562 Stocker Street, Port Hedland		
Lot 1436 Stocker Street, Port Hedland		
Lot 1437 Stocker Street, Port Hedland		
Lot 1442 Stocker Street, Port Hedland		
Lot 8 McKay Street, Port Hedland		
Lot 9 McKay Street, Port Hedland		

3. Amending the Scheme maps accordingly.

Dated this Thirtieth day of August 2012

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Chief Executive Officer

**MINISTER FOR PLANNING  
PROPOSAL TO AMEND A TOWN PLANNING SCHEME**

<b>LOCAL AUTHORITY:</b>	Town of Port Hedland
<b>DESCRIPTION OF TOWN PLANNING SCHEME:</b>	Town Planning Scheme No. 5
<b>TYPE OF SCHEME:</b>	District Scheme
<b>SERIAL NUMBER OF AMENDMENT:</b>	Amendment No 59
<b>PROPOSAL:</b>	Rezoning lots 362, 460, 461, 465, 466, 467, 468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 & 9 McKay Street from 'Industry' to 'Mixed Business' zone.



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## 1.0 INTRODUCTION

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This report presents a proposal to initiate a Town Planning Scheme Amendment to the Town of Port Hedland Town Planning Scheme No. 5.

The proposal seeks to rezone Lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 and 9 McKay Street, Port Hedland from 'Industry' to 'Mixed Business'. Figure 1 shows the land proposed to be rezoned.

The Town of Port Hedland received an application to rezone Lots Lots 465, 466, 470 & 471 Anderson Street

Lots 465, 466, 470 & 471 Anderson Street are zoned Industrial under TPS5. This zone specifically prohibits the development proposed for these lots, being Short Stay Accommodation.

The rezoning of the subject land is required to allow the development to proceed. The rezoning will allow development on the subject land to occur in line with Amendment 43 of the town planning scheme.

Rather than rezone the subject lots to achieve development, a holistic approach has been pursued, and surrounding land has been assessed to determine the suitability of a strategic land use rezoning of these lots as well as adjoining land.

This review has determined that an amendment to the Scheme covering the lots proposed to be developed as well as adjoining lots has merit.

Accordingly, it is proposed to rezone Lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 and 9 McKay Street from 'Industry' to 'Mixed Business'.

While progress of the Town of Port Hedland's Local Planning Strategy 'Pilbara's Port City Growth Plan' has been achieved, it is considered that approval by the Department of Planning and the Minister is still a significant period of time away. This document has only recently been forwarded to the Department of Planning for assessment, and the Local Planning Strategy approval process is likely to take some time, and accordingly it is expected that if initiation of this amendment occurs, the LPS approval process should not impede rezoning.

The rezoning of Lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 and 9 McKay Street is encouraged to achieve benefits to the Town Centre of Port Hedland.



## 2.0 LAND DESCRIPTION

The land proposed to be rezoned is located in the West End of the Town of Port Hedland. The following table shows all lots proposed to be rezoned, and constitutes 1.67 hectares of land in total, in 26 separate landholdings:

Lot No	Street	Diagram No	Area [m <sup>2</sup> ]
50	Darlot	D 91732	1738
362	Anderson	P175615	1011
460	Anderson	P 208641	1162
461	Anderson	P 208641	890
465	Anderson	P 208641	1068
466	Anderson	P 208641	1555
467	Anderson	P 208641	755
468	Anderson	P 208641	812
470	Anderson	P 208641	1013
471	Anderson	P 208641	798
523	Anderson	P168687	3037
555	Anderson	P209539	1093
581	Anderson	P209539	3738
834	Anderson	P209539	2185
1438	Anderson	P 210784	4183
1440	Anderson	P210784	5359
1441	Anderson	P210784	1955
1791	Anderson	P 208641	436
1792	Anderson	P 208641	454
2	Hardie	D 91853	2008
562	Stocker	P209539	854
1436	Stocker	P 210784	1793
1437	Stocker	P 210784	1644
1442	Stocker	P210784	1648
8	McKay	P67079	2227
9	McKay	P67079	3323
<b>Total area:</b>			<b>46739</b>

Table 1: Land Details

The land within the rezoning area is used for a variety of land uses. Table 2 shows the current land uses within the rezoning area.

Lot No's	Street	Current Land Use
50	Anderson	Contracting
460, 1792, 461, 1791	Anderson	Contracting
465, 466, 470, 471	Anderson	Contracting/Caretaker Dwelling
467, 468	Anderson	Warehouse/Showroom

362	Anderson	Warehouse/Contracting/Storage Yard
523	Anderson	Warehouse/Contracting/Storage Yard
555	Anderson	Commercial [accounting]
581	Anderson	Car Yard
834	Anderson	Tyre Fitting & Repairs
1440	Anderson	Car Yard
1441	Anderson	Warehouse/Contracting/Storage Yard
1438	Anderson	Car Yard
2	Hardie	Warehouse/Contracting
1436	Stocker	Contracting
1437	Stocker	Contracting
562	Stocker	Panel Beater
1442	Stocker	Warehouse/Contracting/Storage Yard
8	McKay	Storage Yard
9	McKay	Storage Yard

**Table 1: Current Land Use Details**

Contracting uses within the Rezoning Area are relatively low key, and predominantly constitute warehousing and small workshops, rather than typical industrial land uses.

Lots 1436, 1437 and 1438 have recently been approved for use and development of a shopping centre land use.

None of the existing land uses are considered to be typical of Industrial land uses, and all existing land uses are compatible with the proposed Mixed Business zoning.

## 3.0 SITE CONTEXT

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### 3.1 TRANSPORT, TRAFFIC & ACCESS

The subject site is bound by Anderson, Hardie, Stanwell and Darlot Street. Anderson Street is Distributor road, while the remaining streets are classified as access streets. No new roads are required.

It is understood that access to Anderson Street should be minimized. This can be achieved during the development process.

Roads are well constructed, suitable for purpose, and it is not anticipated that any upgrades will be required. Any improvements required to any existing roads within the rezoning area resulting from any proposed development can be conditioned as part of development approvals.

### 3.2 ENVIRONMENTAL

#### **Landform & Geology**

All land within the rezoning area has essentially been totally cleared for use for light Industrial land uses. The site consists primarily of Red Pindan sand soil type. These soils constitute the majority of soils within the Town of Port Hedland town site.

Red Pindan sands, with appropriate drainage, are sufficient for road building and can be used for building pads.

Geology does not present a risk to rezoning of the subject area, although further geotechnical assessment will be undertaken to confirm soil suitability.

#### **Flora & Fauna**

The land parcels within the rezoning area are fully developed, and have been extensively cleared for a long period of time. It is not expected that any declared rare Flora or Fauna are located within the rezoning area.

#### **Acid Sulphate Soils**

A review of the Department of Environment and Conservation's database shows the site is designated with no known risk of Acid Sulphate Soils occurring within 3 metres of the natural soil surface or deeper. Accordingly, under the Western Australian Planning Commission's subdivision requirements, the site would not be subject to any detailed Acid Sulphate Soil investigations.

#### **Hydrology**

It is understood that the land parcels within the rezoning area may be located within a Storm Surge area. Accordingly, it is proposed to limit all land uses on ground floors to commercial and car parking land uses, to reduce any risk to short stay accommodation land uses.

### **Contamination**

A search of the Environmental Protection Authority's Database of Contaminated Sites has determined that none of the lots located within the area proposed to be rezoned are contaminated.

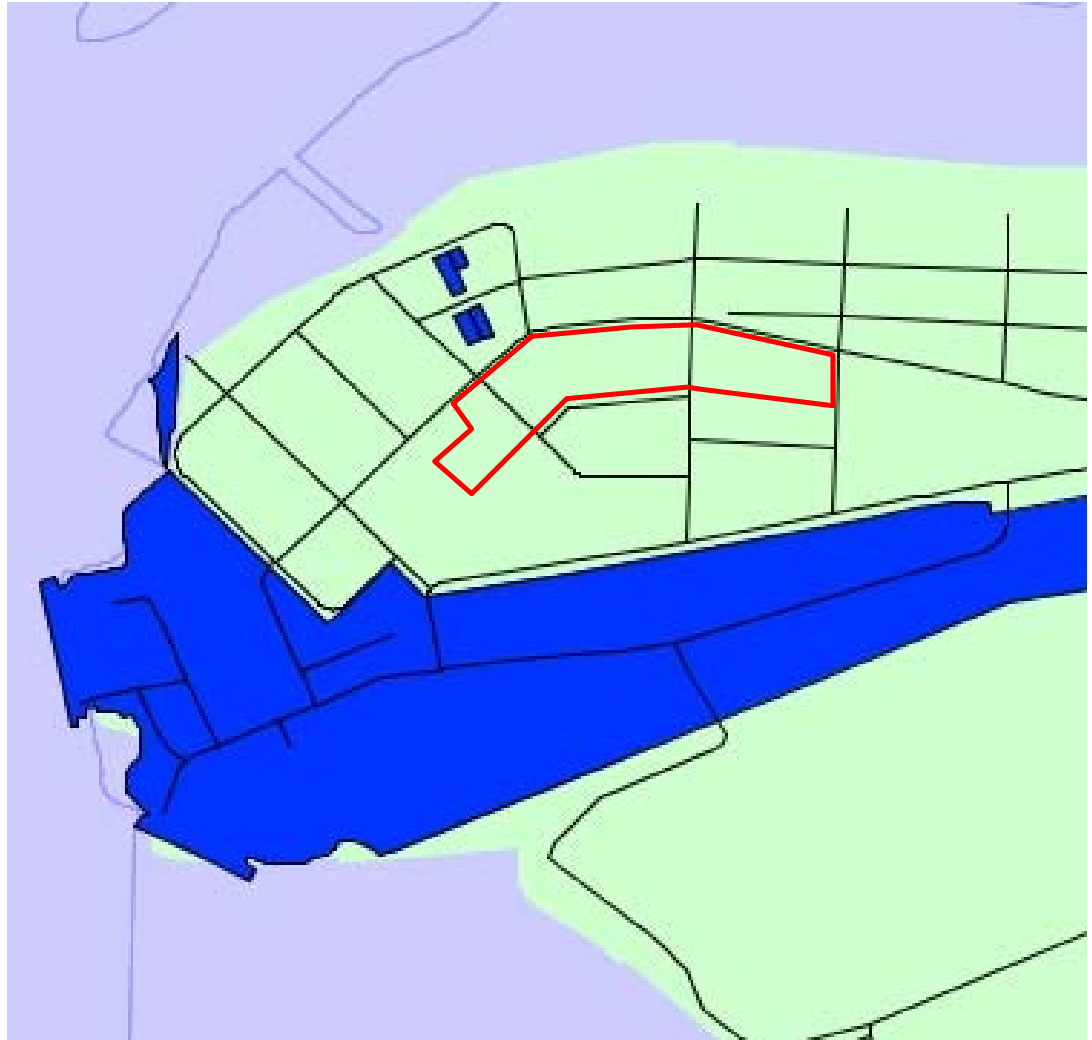


Figure 2: Extract from

### **Dust**

To address the issue of the elevated dust levels in the West End and the subsequent risk to the health of permanent residents, Amendment 43 sought to restrict permanent residential uses in the West End Mixed Business zone by including an Appendix to the Scheme (Appendix 12) that lists the uses that are not permitted and the land that to which the

restriction applies. It is proposed to include the lots subject to this amendment within Appendix 12 – Mixed Business Zone Non-Permitted Use and Development of Town Planning Scheme No.5.

### **3.3 SOCIAL IMPACT**

#### **Aboriginal & Western Heritage**

Given that all land parcels within the rezoning area are developed, it is expected that no aboriginal heritage sites exist within the rezoning area. None of the constructed buildings are considered to have heritage value, and none are listed on the Council's Heritage Inventory.

#### **Native Title**

All Lots within the rezoning area are held in private ownership, and are understood not to be subject to Native Title.

### **3.4 INFRASTRUCTURE & SERVICES**

#### **Reticulated Water & Sewerage**

The proposed rezoning area is provided with reticulated sewer services. Several existing water mains are also located within the land area being rezoned. The rezoning will not result directly in the need for upgrades to reticulated sewer or water services, rather this will occur as part of the development process as separate landholdings are developed.

#### **Power**

There is above ground power supply located in the surrounding road network. The rezoning will not result directly in the need for upgrades to the power network, rather this will occur as part of the development process as separate landholdings are developed.

#### **Telecommunications**

Supplying telecommunications to the subject land should not be problematic, and other lots within close proximity are provided with telecommunications infrastructure.

## 4.0 TOWN PLANNING / LEGISLATIVE CONTEXT

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### 4.1 STATE PLANNING POLICIES

The Western Australian Planning Commission prepares State Planning Policies [SPP] to address a range of issues of state wide significance. The policies are made and implemented under part 3 of the Planning and Development Act 2005. The policies relevant to the proposed subdivision are as follows:

#### **SPP 2 - Environment and Natural Resources**

The environment and natural resources policy defines the principles and considerations that represent good and responsible planning in terms of environment and natural resource issues within the framework of the State Planning Strategy.

The policy contains broad principles related to development and protection of the natural environment. The objectives of the policy are to:

- Integrate environment and natural resource management with broader land use planning and decision-making.
- Protect, conserve and enhance the natural environment.
- Promote and assist in the wise and sustainable use and management of natural resources.

The proposed scheme amendment is being undertaken to be consistent with this SPP.

#### **SPP 3.4 - Natural Hazards & Disasters**

SPP 3.4 addresses land use planning responses to emergency and disaster situations.

As the subject site is located in the Pilbara region of WA, it is affected by this policy, due to the potential for flooding and cyclones. These issues will impact on stormwater design and drainage, as well as construction standards of buildings. All subdivision and development will be required to comply with this policy.

### 4.2 TOWN OF PORT HEDLAND LOCAL PLANNING SCHEME No 5

The subject land is currently Zoned 'Industry' under the Town of Port Hedland Town Planning Scheme No 5. Accordingly, it is evident that the development proposed for Lots 465, 466, 470 & 471 Anderson Street cannot presently be approved. When considering rezoning of these lots, a

more comprehensive and strategic approach to rezoning was considered more appropriate, and as such a rezoning of adjoining land was identified as preferable.

The Town of Port Hedland's Town Planning Scheme No 5 also contains provisions relating to setbacks, car parking standards and other standards applicable to development within the Scheme area. Key issues are identified and discussed in section 5 of this report.

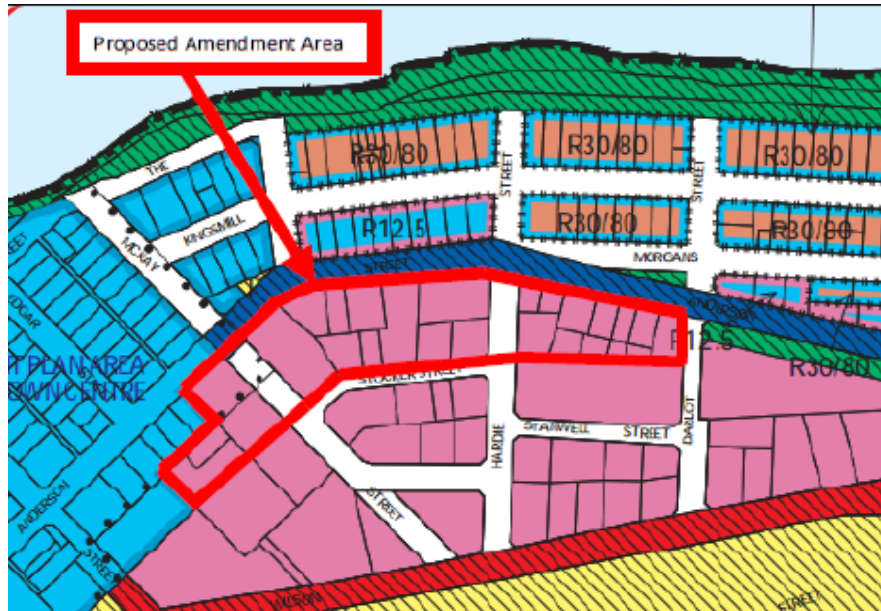


Figure 1: Zoning of Subject Lots [Extract from Zoning Plan]

#### 4.3 TOWN OF PORT HEDLAND LOCAL PLANNING STRATEGY

The subject land is included in the Town of Port Hedland's Pilbara's Port City Growth Plan, in the West End policy area identified as Precinct 1. This strategy has been adopted as the Town's Local Planning Strategy.

All of the subject land the subject of this rezoning is shown as remaining allocated for Industrial land uses.

This document has been endorsed by Council, and is currently being assessed by the Western Australian Planning Commission. Timeframes for approval by the Western Australian Planning Commission are presently unknown, as the document was only recently forwarded to the Commission for assessment, although it is likely to take a minimum of 3 months to assess, and a similar amount of time to be approved.

The Precinct 1 Growth Plan is shown in Figure 2.

Rezoning of the land will result in an eventual requirement for review of the Pilbara's Port City Growth Plan. If this amendment to the Scheme is initiated relatively expediently, it is likely that the requirement to amend the Strategy will be deferred until after the LPS is approved by the Minister.

Given timeframes for assessment of an LPS, it is likely that this amendment can be finalised prior to finalisation of the LPS.



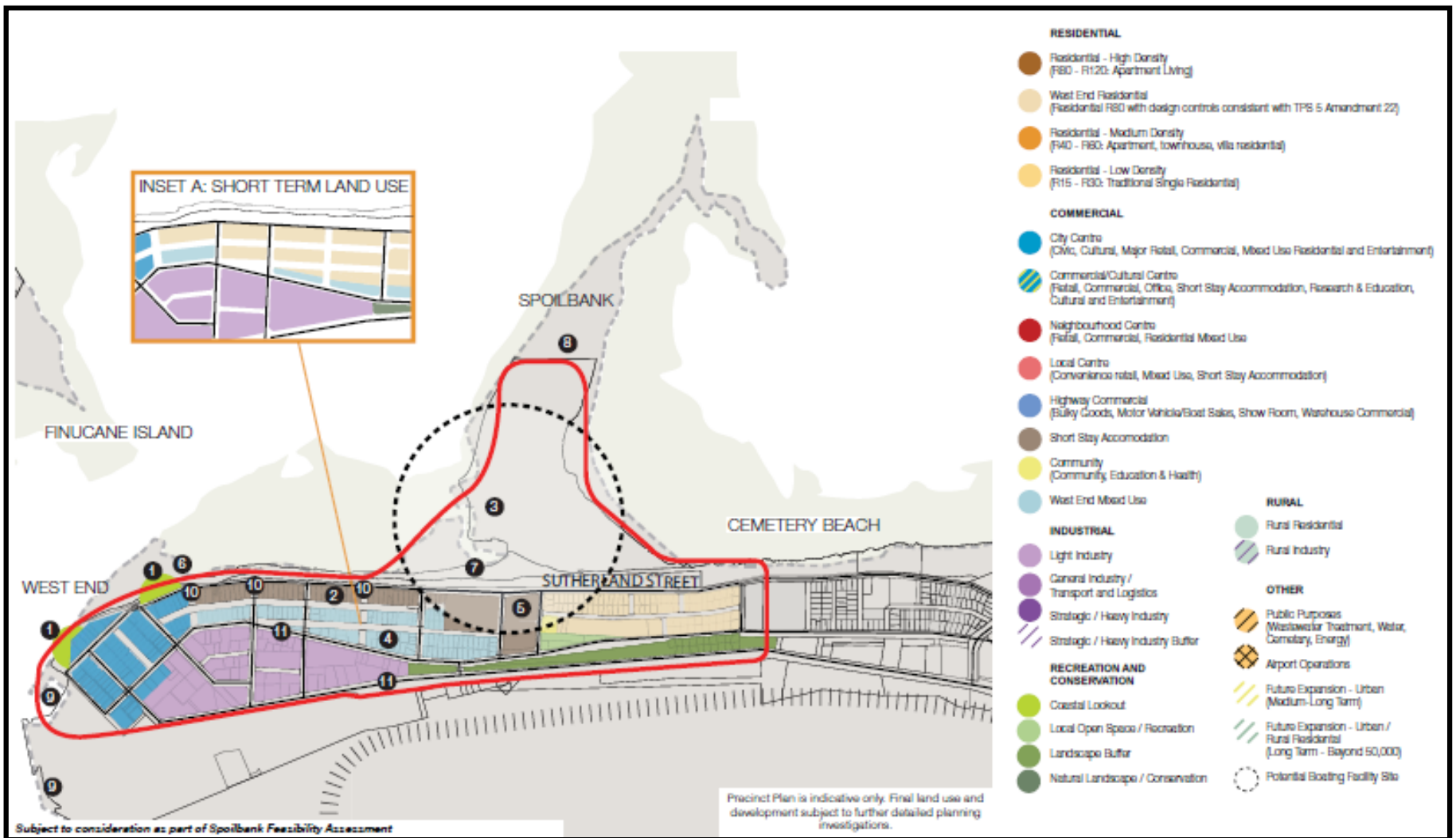


Figure 2: Town of Port Hedland Local Planning Strategy [Extract from Pilbara's Port City Growth Plan]

## 5.0 DEVELOPMENT PROPOSAL

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Once rezoned, it is proposed to utilise Lots 465, 466, 470 & 471 Anderson Street for Short Stay Accommodation.

Development concept plans have been prepared to demonstrate the development potential of the land, however, these are only conceptual to demonstrate potential development options, and final design will be subject to change.

The Scheme includes provisions requiring compliance with certain standards.

Given the location of the subject site, it is unlikely that building height will be an issue, and the Scheme does not prescribe any specific building height limitations.

No specific Scheme provisions for car parking are defined specifically for Short Stay Accommodation. Car parking issues can be addressed as part of the Development Application process.

To address the issue of the elevated dust levels in the West End and subsequent risk to the health of permanent residents it is proposed to restrict permanent residential uses in the West End Mixed Business zone by including an Appendix to the Scheme (Appendix 12) that lists the uses that are not permitted and the land that to which the restriction applies. It is proposed to include the lots subject to this amendment within Appendix 12 – Mixed Business Zone Non-Permitted Use and Development of Town Planning Scheme No.5

It may be a requirement of any development approval that similar provisions are applied to the subject site.

It is considered that all of these issues can be readily addressed, and no critical development issues are expected to be impediments to rezoning.

## 6.0 PROPOSED AMENDMENT

It is proposed to rezone lots 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438, 1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 & 1442 Stocker Street and Lots 8 & 9 McKay Street from Industrial to Mixed Business. The area proposed to be rezoned is shown in Figure 3.

This amendment presents a holistic rezoning strategy that includes all land fronting Anderson Street. The purpose of this amendment is to allow land uses that do not detrimentally impact on adjoining Industrial uses, but that would allow redevelopment that is more compatible with land uses across Anderson Street.

The benefit of this proposal is rezoning of land within close proximity to the town centre of Port Hedland that will result in the permissibility of a broader range of land uses, which will result in redevelopment of the land subject to the amendment. This will result in:

- Encouragement of redevelopment of lots that are currently run down;
- Encourage provision of Short Stay Accommodation - currently undersupplied in Port Hedland
- Redevelopment of streetscapes on a major access route into the town centre of Port Hedland
- Transition of industrial land uses that are inconsistent with Town Centre location to uses more compatible.
- Improved interface with Residential and Mixed Business zoned land across Anderson Street.

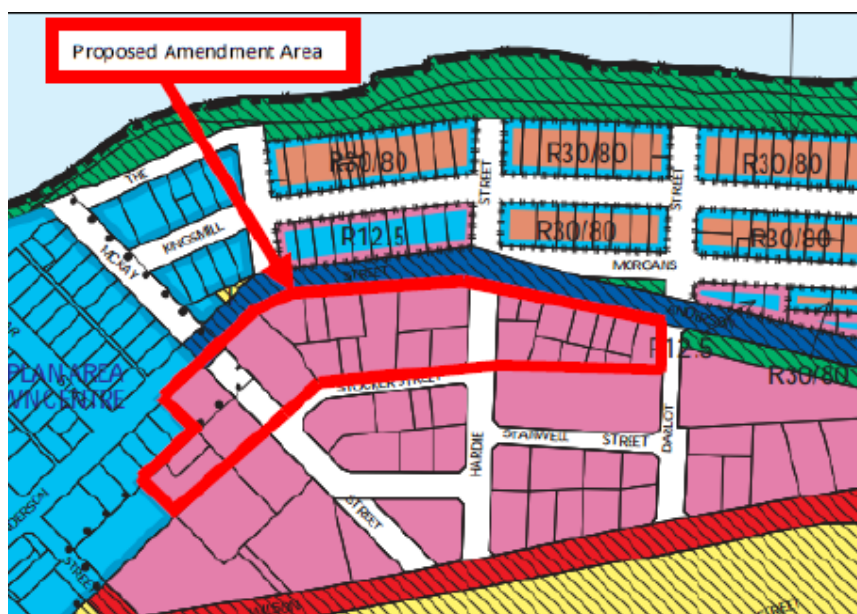


Figure 3: Area likely to be required to be rezoned by Town of Port Hedland.

Rezoning of the land will also permit Short Stay Accommodation to be approved. Currently, this use is prohibited, however, as part of Amendment 43 to the Scheme, Short Stay Accommodation will become permissible in the Mixed Business Zone.

Land uses within the Rezoning Area are relatively low key, and constitute warehousing, small workshops, contracting sheds and showrooms, rather than typical industrial land uses [such as panel beating or sandblasting]. None of the existing land uses are considered to be typical of Industrial land uses, and all existing land uses are compatible with the proposed Mixed Business zoning.

Additionally, existing land uses within the rezoning area are already consistent with the proposed Mixed Business zone, and as such no conflict will be created by creating non-conforming land uses. The following extract from the Town of Port Hedland Local Planning Scheme demonstrating current permitted land use shows that current land uses on all lots will remain permitted uses once rezoned to Mixed Business. No Non-conforming land uses will be created as part of the amendment.

<b>LAND USE</b>	<b>MIXED BUSINESS</b>
Ancillary Accommodation	IP
Caretaker's Dwelling	IP
Single House	AA
Arts and Crafts Centre	AA
Hire Service (Industrial)	AA
Industry - Cottage	P
Industry - Light	AA
Industry - Service	AA
Infrastructure	AA
Storage facility/depot/laydown area	SA
Dry Cleaning	SA
Motor Vehicle and/or Marine Repair	AA
Motor Vehicle and/or Marine Sales or Hire	AA
Motor Vehicle and/or Marine Service Station	SA
Motor Vehicle Wash	AA
Office	P
Outdoor Display	P
Restricted Premises	SA
Shop	AA
Showroom	P
Take-away Food Outlet	SA
Warehouse	IP
Carpark	AA
Child Care Service	AA
Community Use	AA

Consulting Rooms	AA
Emergency Services	AA
Funeral Parlour	SA
Medical Centre	AA
Public Utility	AA
Entertainment Venue	SA
Private Recreation	AA

Lots 1436, 1437 and 1438, bound by Stocker, Hardie and Anderson Streets, have recently been approved for use and development of a shopping centre land use, and Mixed Business zone is more suitable for this land than the current zoning of Industrial.

## 7.0 CONCLUSION / JUSTIFICATION

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The subject lots are zoned Industrial under TPS5. This zone specifically prohibits the development proposed for these lots, being Short Stay Accommodation. The rezoning of the subject land will be required to allow for Short Stay Accommodation development to proceed.

It is proposed to rezone the land to provide for the development of Mixed Uses and Short Stay Accommodation, to encourage the redevelopment of the subject land.

Accordingly, it is proposed to rezone 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 & 9 McKay Street from Industrial to Mixed Business.

The benefit of this proposal is rezoning of land within close proximity to the town centre of Port Hedland that will result in the permissibility of a broader range of land uses, which will result in redevelopment of the land subject to the amendment.

This will result in:

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While progress of the Town of Port Hedland's Local Planning Strategy 'Pilbara's Port City Growth Plan' has been achieved, it is considered that approval by the Department of Planning and the Minister is still a significant period of time away. This document has only recently been forwarded to the Department of Planning for assessment, and the Local Planning Strategy approval process is likely to take some time, and accordingly it is expected that if initiation of this amendment occurs, the LPS approval process should not impede rezoning.

The rezoning of 362, 460, 461, 465-468, 470, 471, 523, 555, 581, 834, 1438,1440, 1441, 1791 & 1792 Anderson Street, Lot 50 Darlot Street, Lot 2 Hardie Street, Lot 562, 1436, 1437 &1442 Stocker Street and Lots 8 & 9 McKay Street is encouraged to achieve benefits to the town centre of Port Hedland.



**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

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1	Lot 362 Anderson Street, Port Hedland	Aged or Dependent Person Dwelling;
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	Lot 466 Anderson Street, Port Hedland	Multiple Dwelling;
	Lot 467 Anderson Street, Port Hedland	Residential Building; and
	Lot 468 Anderson Street, Port Hedland	Single House
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	Lot 471 Anderson Street, Port Hedland	
	Lot 523 Anderson Street, Port Hedland	



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Lot 8 McKay Street, Port Hedland	
Lot 9 McKay Street, Port Hedland	

3. Amending the Scheme maps accordingly.

**ADOPTION**

ADOPTED by resolution of the Council of the Town of Port Hedland at the Ordinary Meeting held on the        day of        2012.

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Mayor

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Chief Executive Officer

**FINAL APPROVAL**

ADOPTED for final approval by resolution of the Town of Port Hedland at the Ordinary Meeting of Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2012.

THE COMMON SEAL of the Town of Port Hedland was hereto affixed in the presence of

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

---

Recommended / Submitted for Final Approval

\_\_\_\_\_  
delegated under S.16 of PDAct 2005

\_\_\_\_\_  
Date

Final Approval granted

\_\_\_\_\_  
Minister for Planning

\_\_\_\_\_  
Date